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# **A Study of Workers' Mobilization within the Irish Supermarket Sector**

**A thesis submitted in partial fulfilment of the  
requirements of the degree of Doctor of  
Philosophy**

**by**

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**Thesis Supervisor: Professor Tony Royle**

**Submitted: 13<sup>th</sup> December 2018**

## Declaration

*I hereby certify that this thesis is entirely my own work and the thesis has not been used to obtain a degree in this University, or elsewhere. I understand what plagiarism is and the material contained in this thesis has not been taken from the work of others unless indicated through referencing.*

*Signature* \_\_\_\_\_

*Date* \_\_\_\_\_

## Abstract

This thesis examines why workers in the Irish large supermarket sector acquire a sense of collective identity separate from their employer's organization in response to perceived injustice and why they engage in collective action. The data is collected from two of the largest supermarket chains in Irish retail. The first is the British-based Multinational Enterprise (MNE), Tesco, and the second MNE is the Irish owned Dunnes. Using a qualitative study, the thesis examines the perceptions, attitudes and actions of four groups of workers: shop stewards formally recognised in Tesco; union member employees in Tesco; union activists in Dunnes (where no formal recognition exists), and union member employees in Dunnes.

Kelly's (1998) Mobilization Theory has been chosen as the theoretical framework, as the theory's concepts of *injustice*, *common identity* and *attribution* help to understand why workers collectively mobilize and engage in *collective organization and activity*.

The thesis finds that in the two large supermarket organizations in this study, workers' sense of *injustice* was predominantly subject to their economic necessity to earn a livelihood; the focus of *attribution* can change from individual managers to their employer's organization; the study also suggests that *common identity* can be fragmented due to fear of management. Finally, *collective organization and activity* were discouraged by fear of management counter-mobilization tactics. This counter-mobilization is facilitated by the constitutional legal framework notion that the parties to an employment contract are equally free to enter or not enter these contracts of employment.

The contributions of the thesis are: (i) industrial relations in the retail sector is under-researched and (ii) Mobilization Theory has not been previously utilised in a retail setting. This thesis helps to narrow these academic gaps. Theoretically, the thesis finds that the utility of Mobilization Theory lacks predictability due to its overlapping modules and conflicting variables. However, this thesis finds that Mobilization Theory, when used in an application approach, has explanatory utility. The thesis builds on the application approach by demonstrating its new conceptual model is of use to both academic scholars and practitioners within the field of industrial relations.

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## **Acknowledgements**

My path to submitting this thesis began in 1992, after I successfully contested an election to become the full-time convenor of the Amalgamated Engineering and Electrical Union (AEEU) in a factory in Galway owned by an American multinational corporation. This turned out to be the loneliest job I ever had, in respect of seeking advice from former holders of the position. The previous convenor was a political rival who had just lost the position and the convenor prior to him had jumped the fence to become the factory's industrial relations manager. The position was held prior to that by an employee who accepted voluntary redundancy when his department was closed down. So my first acknowledgement goes to my late Mother, Agnes. When she spotted in a local newspaper an upcoming evening class leading to a Diploma in Industrial Relations, she suggested I enrol so as to tap into an alternative source of information. This was the beginning of many years of studying industrial relations and has managed to keep me from taking up golf.

My second acknowledgement is to my Supervisor, Professor Tony Royle. It was during a casual chat at a trade union event, Tony convinced me to embark on a PhD. His encouragement, guidance and boundless patience over the years was invaluable. Tony helped me structure my own thoughts on the focus of this study and his invaluable comments on earlier drafts, kept the work on track. I would also like to acknowledge my assistant supervisor, Professor Tony Dundon. Tony as an ex shop steward greatly appreciated the difficulties faced by mature students studying part-time. Tony often met me outside of normal office hours, due to my work commitments to discuss my progress and offered possible solutions to what at the time I thought were insurmountable obstacles.

Also, I would like to acknowledge my partner, Ita for her patience, support and loving encouragement in the completion of this PhD, as well as everything else she has to put up with. Finally, I wish to greatly acknowledge the union members in Tesco and Dunnes who gave generously of their time and experience. It is to those workers and their unionised colleagues across retail that I dedicate this thesis to.

## Note on Terminology

In this thesis, the terms ‘employee’ and ‘worker’ are used interchangeably, notwithstanding their differences as outlined by Kahn-Freund (1977) and Wedderburn (1986), regarding a contract of service vis-à-vis a contract for services. Regarding the choice between the terms ‘employment relations’ or ‘industrial relations’, the former is the more ‘appropriate term’ (Clarke *et al.*, 2011; p. 244; Kelly, 2000, p. 167), and might be best used if ‘starting from scratch’ (Edwards, 2003, p. 1), in that the subject of ‘industrial relations’ ‘has inherited a misleading title’ (Flanders, 2002, p. 43). However, I use the term industrial relations throughout this thesis because it is the one most commonly used by practitioners and in legislation in Ireland (Wallace *et al.*, 2013)<sup>1</sup>.

The terms union ‘activist’ and ‘leader’ are both used to denote any worker who encourages other workers to participate in union activity (Murphy and Turner, 2013, p. 303). Tesco activists are titled as ‘Tesco Stewards’ in this thesis, as they are accredited as such by the union/s and Tesco. As Dunnes do not formally recognise shop stewards, such activists are labelled as ‘Dunnes Union Activists’.

References to ‘Ireland’ or ‘Irish’ for the purpose of this thesis refer to the Republic of Ireland. Currency figures are converted to Euro from Irish Pounds (€1 = £0.787564) for the reader’s convenience and Sterling Pounds are denoted as ‘UK£’.

At the risk of egomania (Fisher, 2007), as this thesis is a product of my own design, research and analysis, the use of the first-person singular is preferred, but not exclusively to the passive voice (Murray, 2006). Furthermore, the first-person singular resonates strongly in qualitative research and writing (Given, 2008).

<sup>1</sup> However, new Irish legislation is titled ‘workplace relations’ and the marginalisation of trade unions by such a label is noted (Kerr, 2014; 2016).

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## List of Abbreviations

ABF	Associated British Foods
AEU	Amalgamated Engineering Union (now UNITE)
AEEU	Amalgamated Engineering and Electrical Union (now UNITE)
CSO	Central Statistics Office
EAT	Employment Appeals Tribunal (now Workplace Relations Commission)
ECB	European Central Bank
ERO	Employment Regulation Order
EU	European Union
FIE	Federation of Irish Employers (now IBEC)
HRM	Human Resource Management
IBEC	Irish Business and Employers Confederation
ICTU	Irish Congress of Trade Unions
IDA	Industrial Development Authority (now IDA Ireland)
IDATU	Irish Distributive and Administrative Trade Union (merged with INUVGATA to form Mandate)
IMF	International Monetary Fund
IMPACT	Irish Municipal, Public and Civil Trade Union
INMO	Irish Nurses and Midwives Organisation
INUVGATA	Irish National Union of Vintners, Grocers and Allied Trades Assistants (merged with IDATU to form Mandate).
IRA	Irish Republican Army
ITGWU	Irish Transport and General Workers' Union (now SIPTU).
ITUC	Irish Trade Union Congress (now ICTU)
IUDWC	Irish Union of Distributive Workers and Clerks (merged with INUVGATA to form Mandate).

JIC	Joint Industrial Council
JLC	Joint Labour Committee
LRC	Labour Relations Commission (now Workplace Relations Commission)
LSI	Long Service Increment
MNEs	Multinational enterprises
MPGWU	Marine Port and General Workers Union
NBRU	National Bus and Rail Union
NUIG	National University of Ireland, Galway
PBP	People Before Profit
PESP	Programme for Economic and Social Progress
PLC	Public Limited Company
PSL	Powers Supermarket Limited
REA	Registered Employment Agreement
SIPTU	Services, Industrial, Professional and Technical Union
TD	Teachta Dála (member of the Irish Parliament).
UFCW	United Food and Commercial Workers International Union
UK	United Kingdom
USDAW	Union of Shop, Distributive and Allied Workers
WRC	Workplace Relations Commission

## CHAPTER 1, INTRODUCTION

### An Overview

Individuals exercise their consumer sovereignty by walking up and down the aisles of supermarkets, opting for Daz over Persil, before casting, as sovereign citizens, their ballot for the Left or the Right (Sassoon, 2010, p. 758).

Sassoon (2010, p. 758) continues and asserts that as citizens we can ‘vote for whomever we like’, as consumers we can ‘buy whatever we can afford’, but ‘at work we do as we are told’. In lieu of this, the backdrop to this thesis is the workers as opposed to the customers in supermarkets. However, the employment relationship in retail as elsewhere,

is not simply one of (management) control versus (worker) resistance, but a more complicated mix of dissent and accommodation, conflict and co-operation (Blyton and Turnbull, 2004, p. 41).

This complicated mix has attracted considerable scholarly interest and is according to Miliband (1969, p. 80) in his definition of ‘industrial relations’, the ‘euphemism for the permanent conflict, now acute, now subdued, between capital and labour’. Such conflict arises because the relationship between workers and an employer creates both economic and power dynamics (Blyton and Turnbull, 2004; Fox, 1966; Nolan, 2012). Academic literature demonstrates that this relationship is asymmetrical in that the employer buys the employee’s ability to work for a definite rate for the job, therefore creating an economic exchange. However, because of the indeterminacy of the work yet to be performed, the employee sells their willingness to work under the authority and direction of the employer resulting in a power relationship (Blackburn, 1967; Blyton and Turnbull, 2004; Dundon and Rollinson, 2007; Hyman, 1989a). The characteristics of the employment relationship are not static but dynamic (Hyman, 1989a) and ‘are always a matter of negotiation, sometimes formal and institutionalized but more often informal and individual’ (Clarke *et al.*, 2011, p. 244). Therefore the *frontier of control* between the parties ‘is more a matter of accepted custom than of precisely stated principle’ (Goodrich, 1920, p.56) and is subject to a process of



pressure and counter-pressure by both sides mobilizing sanctions and resources (Hyman, 1975). The true nature of the employment relationship tends to be revealed when workers mobilize and seek to push back [or maintain] the frontier of control (Seifert, forthcoming). Therefore, the purpose of this thesis is to shed more light (both theoretical and empirical) on the causes, the processes involved and outcomes of workers' mobilization and their employer's counter-mobilization. The thesis' utilisation of Kelly's (1998) Mobilization Theory and focus on two retail multipliers (supermarket chains) in Ireland, will contribute to the academic literature; because (i) it is the first time Mobilization Theory is utilised in such a setting, and (ii) academic industrial relations literature is relatively less focused on retail than other industries.

### **Introduction**

This introduction chapter is divided into the following sections (i) a brief look at the dynamics between retailers and their suppliers and the resulting effect on the workforces in both, in order to contextualise the next section; (ii) which is the deskilling trajectory of retail work, the potential and restraints on retail workers' mobilization; (iii) the chapter then expands on the purpose of this thesis, the reasons to use Mobilization Theory and why focus on the two research sites chosen and (iv) provides an outline of the structure of the thesis.

### **The frontier of control between Retailers and Suppliers**

In terms of the labour market, the retail trade (and related employment<sup>2</sup>) accounts for over 13.5 per cent total employment in Ireland (CSO, 2017). In the United Kingdom (UK), retail accounts for 14 per cent of employment (PCW, 2017); 13 per cent in the European Union (EuroCommerce, 2014, Reynolds and Cuthbertson, 2014); 10 per cent in Canada (Coulter, 2014), and over 15 per cent in the United States (Lofton, 2017). The retail industry is one of the largest sectors in Western capitalist societies and its power to influence the conditions of employment over its own

<sup>2</sup> Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 as amended, classifies economic activities into various economic sections for ease of comparison at National and EU level. Retail along with wholesale and the repair of motor vehicles and motorcycles are grouped together as per this Regulation.

workforce and the workforces of its suppliers in other industries is a cause for concern (Lichtenstein, 2005). The retail sector's ability to influence its suppliers is a recent phenomenon. Wright Mills (1956) states that in the early nineteenth century, the wholesaler, acted as a go between the small manufacturer and the small retailer and was able to dominate both. By the twentieth century, the growth of the manufacturers enabled them to become more dominant. However, in the twenty first century, it is the retailers who are in the dominant position. For example, Walmart is able to demand specified low costs from its 65,000 suppliers and thus exerts downward pressure on conditions of employment across entire industries and regions (Fantasia and Voss, 2004; Lichtenstein, 2009). In Ireland, the dominance of large retailers such as Tesco and Dunnes enables them to exert similar pressures on their own suppliers (*The Journal.ie*, 2015a; *The Phoenix*, 2015). This has led to the Irish government enactment of legislation to curb the power of large supermarket multiples in relation to their suppliers (Tormey, 2014).

### **The frontier of control between Retailers and Employees**

Retail job design (and checkout operations in particular) is now akin to those of manufacturing in the twentieth century (Jany-Catrice and Lehndorff, 2005; Lichtenstein, 2005; Noon and Blyton, 2002). For example, Walmart management's control over labour costs monitoring has surpassed that of 'even the most authoritarian manufacturing enterprises' (Lichtenstein, 2005, p. 26). Braverman (1998, p. 256) asserts that as far as retail is concerned,

a revolution is now being prepared which will make of retail workers, by and large, something closer to factory operatives than anyone had ever imagined possible.

This industrialisation of retail work has developed because retail work requires minimal emotional labour and relatively low levels of worker autonomy. Hobsbawm (2003, p. 528) asserts that because of technology and unless something goes wrong, checkout operators require no more,

than the recognition of the cardinal numbers, a minimal attention span and a rather greater capacity for concentrated tolerance of boredom'<sup>3</sup>.

Braverman argues in relation to deskilling in food retailing,

...the demand for the all-around grocery clerk, fruiterer and vegetable dealer, dairyman, butcher, and so forth has long ago been replaced by a labour configuration in the supermarkets which calls for truck unloaders, shelf stockers, checkout clerks, meat wrappers, and meat cutters; of these only the last retain any semblance of skill, and none require any general knowledge of retail trade (Braverman 1998, p. 256-7).

The new de-skilled workforce 'need not be especially stable or committed, but it must be cheap' (Tilly, 1996, p. 9). While Braverman (1998) originally made his observation in 1974 in relation to American retail, evidence exists that the deskilling process is still prevalent in contemporary retail (Ford, 2018). When new technology in UK retailing required an increase in skills, it was introduced in a polarised fashion and a similar development was predicted over two decades ago for Irish retailing (LRC, 1997). This polarisation results from any new training enhancing the skills of already highly qualified and trained management grades and not the skills of poorly qualified and minimally trained sales staff (LRC, 1997). Anecdotal evidence suggests the deskilling trend continues in Irish grocery; for example, Tesco is phasing out the employment of Butchers and Bacon Hands in their shops, with meat now being cut, weighed, wrapped, priced, and distributed from a centralised depot in a process more akin to the manufacturing than the servicing industry.

However, despite this deskilling, the growth of the retail sector has been one of the key sites of new working-class formation, according to Silver (2014, p. 63), who stresses that,

where capital goes, conflict follows ... then we should expect the retail sector to emerge as a key site of labour militancy.

As retail work is generally characterised by part-time work and low wages (Geppert *et al.*, 2012; Lichtenstein, 2005), pressure for more full-time work and wage rises

<sup>3</sup> Hobsbawm's scathing remark ignores the physical requirements of a checkout operator. The Union of Shop, Distributive and Allied Workers (USDAW, 2017, p. 4) state that: Recent Health and Safety Executive figures estimate that in a busy four-hour shift, a checkout operator may lift the equivalent of one ton in weight.

could generate labour militancy. This potential militancy needs to be contextualised in comparison to militancy in other employment sectors such as manufacturing. Service work, including retail work, according to Braverman (1998, p. 248), ‘must be offered directly to the consumer, since production and consumption are simultaneous’. This occurs as retail customers must enter the store to complete a purchase (except with internet shopping or mail orders), contrasting with manufacturing where products are delivered to the customer. Therefore, unlike manufacturing, retail employers cannot transfer workplaces (stores) to other locations without affecting their market share in the vacated location. The retail employers’ dependency of having a workplace in a particular geographical location arguably provides retail workers with an advantage compared to workers in manufacturing, whose jobs can be more easily relocated in response to any militancy. This ‘spatial fix’ (McCallum, 2013, p. 10) has the possibility to provide retail workers with what Wright (2000) calls structural power<sup>4</sup>. This is,

power that results simply from the location of workers within the economic system. The power of workers as individuals that results directly from tight labour markets or from the strategic location of a particular group of workers within a key industrial sector would constitute instances of structural power (Wright, 2000, p. 962).

Thus, retail workers are structurally more secure in a global labour market, in that their jobs cannot easily be *transferred*. However, at the same time, retail workers’ propensity to engage in collective action is weakened structurally in a local labour market due to the relative ease in which they can be *replaced* in the absence of a tight labour market (McCallum, 2013; see also Marx, 1990, p. 784, regarding the ‘industrial reserve army’). The situation is even more precarious for part-time retail workers, in that their employer need not *replace* an individual part-time worker but can simply *transfer* some or all the hours that an individual part-time employee usually worked in excess of their contractual minimum to another part-time employee. Such factors contribute to the rationale of this thesis.

<sup>4</sup> Wright (2000, p. 962), in contrast to structural power, describes associational power as ‘the various forms of power that result from the formation of collective organization of workers’, namely trade unions and political parties. He also to a lesser extent includes workers’ representational institutions such as works councils, worker directors, codetermination, or even, in certain circumstances, community organizations (ibid).

### **The Purpose of this Thesis: The Why, the What and the How**

The purpose of this thesis is to shed more light (both theoretical and empirical) on the causes, the processes involved and outcomes of workers' mobilization and their employer's counter-mobilization. Kelly's (1998) Mobilization Theory is used for two reasons and this overlaps with the reason to focus on the retail trade and Tesco and Dunnes in Ireland specifically.

Despite its size, power, potential and constraints of militancy, geographical dependency and adversarial industrial relations in Ireland (Caprile, 2004; Doherty, 2007a), there has been little academic interest in retail industrial relations (Bozkurt and Grugulis, 2011) and, 'that retail work does deserve much closer and more focused scholarly attention' (ibid, p. 4). As Tormey (2002, p. 114) puts it,

Though it [Retail] is rarely thought of as a 'sexy' industry to research, it tells us far more about the 'new workplace' than significantly smaller, sexier sectors.

It is not surprising therefore, that Kelly's (1998) Mobilization Theory has to-date not been applied in the study of industrial relations in large supermarkets. Utilising Mobilization Theory as the theoretical framework of the thesis will contribute to the narrowing of these two academic gaps. The second reason for selecting Mobilization Theory is because of its Marxist roots, it suited the examination of the causes, the processes involved and outcomes of workers' mobilization and their employer's counter-mobilization. In that, Mobilization Theory suggests that collective organization and activity ultimately stem from employer actions that generate a sense of *injustice* amongst employees. However, for this injustice to be turned into collective action, employees must acquire a sense of *common identity* which differentiates them from the employer; they must *attribute* the perceived injustice to the employer, and they must be willing to engage in some form of *collective organization and activity*. This process occurs in a context of the possibility of counter-mobilization by employers and the state.

In addition to choosing retail as a backdrop for the study due to the relative lack of academic industrial relations attention to-date and absence of the application of Mobilization Theory within retail, the third reason is that I work for the largest union

in the Irish retail sector – Mandate<sup>5</sup> as a Divisional Organiser. The choice of the retail sector is justified for these reasons, however the sector is too large for the specific purposes of this thesis. Therefore, the rest of this section explains why a case study approach is chosen and Tesco and Dunnes have been selected as the research sites.

Retail Ireland, the branch of the Irish Business and Employers Confederation (IBEC) that represents retail employers, estimates that there are 37,400 retail and wholesale businesses in Ireland (Retail Ireland, 2017), with an aggregate workforce of 276,500 employees (CSO, 2017). Thus, it would not be possible to carry out a qualitative study (discussed in Chapter 3) of all these workforces. It was decided, therefore, to use a case study approach. Yin (2009, p. 2) suggests that the case study method is preferred when ‘how’ and ‘why’ questions are being used and the researcher has little control over events and the research is focused on ‘a contemporary phenomenon within a real-life context’.

After deciding on a case study approach, the next decision to be made was whether to choose a single site or more than one site. Yin (2009) notes that comparative case studies generate evidence that is more convincing and vigorous. Further support for a plural rather than a single approach is put forward by Harkim (1987) who suggests that in choosing the number of cases to be studied, it is best to choose a number of cases that cover a range of situations starting with the extremes. Given that Mandate had until recently a ‘partnership’ agreement with Tesco in Ireland and an exceptionally adversarial relationship with Dunnes, it is submitted that these two companies cover a very broad spectrum of issues related to industrial relations in the Irish supermarket sector. For example, the standard Tesco contract offered to a new sales assistant states,

The Company reserves the right to vary the terms and conditions of this contract by agreement in writing or as a result of any collective agreement in the future. Any variation will form part of this contract (Mandate, 2018).

Of note here is the fact that provision for variation by collective bargaining is written into the individual contract. In contrast, a new sales assistant in Dunnes is offered a contract with no recourse to collective bargaining for the purpose of variation,

<sup>5</sup> Notwithstanding that the Services, Industrial, Professional and Technical Union (SIPTU) is the largest union in Ireland and has some members in Tesco and Dunnes, Mandate has the largest membership in both sites.

Both the Handbook and the Dunnes Stores' Sick Pay Scheme, and as amended from time to time, will form part of your Terms and Conditions of Employment (Mandate, 2018).

It is arguable that an example of a more ‘extreme’ type of non-union company in Irish retail could have been included. For example, the thesis could have included the German-owned supermarket chain, Lidl, which according to Schwetz (2006), has a reputation for being very anti-union. Mandate has no formal recognition and at best a minimal membership presence in Lidl, thus there would have been problems such as gaining access to data (discussed in Chapter 3). With the additional complexity of introducing more variables into the analysis, it was decided to omit Lidl as a potential research site. Sudman (1976, p. 26) observes that the confidence and significance of research findings increases with the number of sites studied, but also suggests that the single largest gain occurs when the number of sites studied increases from one to two. It was, therefore, decided to concentrate on two research sites: Tesco and Dunnes. The second reason for choosing Tesco and Dunnes is that they are the two largest single employers in the Irish supermarket sector, not only in terms of employment, but also in terms of market share (see Table 1).

**Table 1. Market share of Tesco and Dunnes**

<b>Multiple</b>	<b>Market Share</b>
Dunnes	23.2%
Tesco	22.7%
Supervalu <sup>6</sup>	21.2%
Lidl	10.5%
Aldi	10.3%

Source: Kantar Worldpanel, (2018, webpage)

The third reason for choosing these two retail MNEs is, as mentioned above, that I work as a Mandate Divisional Organiser and there is a significant level of union membership in both Tesco and Dunnes. This facilitated access to Tesco shop stewards, Dunnes’ activists and the union members in both sites.

<sup>6</sup> Supervalu has 192 independently owned supermarkets throughout Ireland on a franchise basis.

Having chosen to use Mobilization Theory and focus on Tesco and Dunnes, the next decision was to choose how to gather the data. As will be discussed in Chapter 3, it was decided to use a qualitative study based on formal and informal interviews, informal focus groups and participant observation.

The use of Mobilization Theory and the focus on Tesco and Dunnes for the reasons outlined, and the discussion in the overview on page one above, leads to the development of the overall research question:

1. *How and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?*

Drawing on Mobilization Theory's constituent parts of *injustice*; *common identity*; *attribution* and *collective organization and activity*, four subsidiary questions are developed:

- a. *What are the main sources of injustice (if any) and employer exploitation as perceived by union members?*
- b. *How does a sense of common identity develop among union members?*
- c. *To whom and why do union members attribute blame?*
- d. *What collective activity do trade union members engage in?*

The rationale for the overall question and the subsidiary questions is developed in greater detail in Chapter 2.

### **The Structure of the Thesis**

The structure of the thesis is as follows. In Chapter 2, I examine the broader aspects of academic industrial relations; the labour market, the contract of employment, labour indeterminacy, trade unions and the role of the State. This will help locate the subsequent data findings of the thesis within the wider industrial relations literature. The second part of the chapter critiques Kelly's (1998) Mobilization Theory and identifies shortcomings in the wider Social Movement Theory before synthesising the critiques to develop a new conceptual model for Mobilization Theory to justify the research question and its subsidiaries.



Chapter 3 introduces the philosophical assumptions regarding ontology and epistemology that underpin the methodology utilised in this thesis. This is followed by a discussion that due to my role as a union official, access to the two research sites was unproblematic but, in a sense unavoidable. The resulting methodological advantages and disadvantages of such access is then outlined. The chapter then justifies the use of semi-structured interviews, participant observation and document review as the main research methods. The chapter goes on to consider the analysis of the collected data, which is a thematic approach developed from the research sub questions in pursuit of the overall objective of ascertaining the causes, the processes involved and outcomes of workers' mobilization and their employer's counter-mobilization.

Chapter 4 commences with a summary of the historical, political, socio-economic and legal contextual forces that shape Irish industrial relations. This is followed by a discussion on the lack of statutory union recognition in Ireland. The chapter then considers the shortcomings of individual employment law and shows it is a poor substitute to workers collectively organizing in response to employer-initiated injustices. The chapter finishes with statistical information on the gender composition of workers in paid employment, ICTU, SIPTU, Mandate and union members in Tesco and Dunnes.

Chapters 5 and 6 both commence with a brief chronological summary of the two research sites; their founding and a recent account of their industrial relations. However, such a chronological approach, while needed to set the scene, on its own would be insufficient for the investigative nature of this thesis. Therefore, the main focus of chapters 5 and 6 is an examination of the industrial relations practices of each company as viewed by their own employees and this is collected, analysed and presented in a thematic approach developed from the research sub questions.

Chapter 7 integrates the data from the findings chapters and highlights the main similarities and differences between the two research sites. This chapter then utilises these integrations as an empirical base to engage in a discussion, drawing on the literature review of Chapter 2 and the context developed in Chapter 4. The conclusion

of the thesis is that the utility of Kelly's (1998) Mobilization Theory lacks predictability due to its overlapping modules and conflicting variables. However, this thesis finds that Mobilization Theory, when used in an application approach, has explanatory utility.

## CHAPTER 2, LITERATURE REVIEW

### Introduction

This chapter first offers a clear account of basic features of industrial relations. This is done by drawing on the literature to contextualise (i) the labour market, its structures and tensions; (ii) the contract of employment viewed through exploitation and alienation; (iii) employer strategies to deal with labour indeterminacy; (iv) trade unions' strategies, categories and structures, and finally (v), the role of the state as an actor in industrial relations and its policies. The second part of the chapter focuses on (i) the initial critique of Kelly's (1998) Mobilization Theory; (ii) Social Movement Theory is then critiqued as this is where Mobilization Theory has its roots. Both these critiques draw on the recent special edition of the academic journal, *Economic and Industrial Democracy* edited by Gregor Gall and Jane Holgate that concentrates exclusively on Kelly's Mobilization Theory (Gall and Holgate, 2018), and (iii) the final part of the chapter synthesises the critiques to develop a new conceptual model for Mobilization Theory (using *injustice; common identity; attribution* and *collective organization and activity*) which forms the basis for the thesis' research question.

### The Labour Market

Unlike serfs, workers can sell their labour power to any employer who is prepared to hire them. However a feature of the labour market is labour is not homogeneous (Chrystal and Lipsey, 1997; Nolan, 2012) and a problem for employers is how to select and 'attract the best workers and then how to get the most out of them' (Chrystal and Lipsey, 1997, p. 314). Marx (1990) argued that in order for the capitalist system to exist, an employer must encounter in the labour market a worker that has no commodity to sell other than their own labour power. Prior to the development of capitalism, under feudalism, most people as peasants eked out a living on the land or as craft workers producing goods in their own cottages. They were not employees in the modern sense of the meaning. The transition to the factory system created the status

of employees (Browne, 1994; Creighton, 2007) and the concept of unemployment<sup>7</sup> (Douthwaite, 1992). Unemployment in a labour market negatively affects workers' bargaining power, more so than that of employers. Workers have to earn a livelihood, but as the employer can generally choose who to hire, the labour market relationship is unequal (Pencavel, 2009). Gospel and Palmer (1993) explain such inequality is because there is less urgency on the employer's side of the exchange, as a vacancy can be covered by rearranging the workforce or working time and lost production can be made up later. In contrast, workers' labour power cannot be stored, and each day's unsold labour power is permanently lost. This asymmetry in the labour market is articulated by Ironside and Seifert (2003, p. 384) as,

Individual workers who cannot find an employer to employ them are personally affected, involving loss of status, hardship, deprivation and possibly long-term harm. An employer who cannot find an individual worker to employ does not suffer in the same way – banks, supermarket companies, car manufacturers and hospitals do not get hungry, depressed and isolated.

Orthodox economics dictates that the more workers seeking work in a particular labour market, the more an employer's bargaining power is increased. The Irish Congress of Trade Unions (ICTU) pointed out recently the effect of a rise in the (global) pool for labour,

When the Soviet Union collapsed and China and India entered the global economy, almost 1.5 billion new workers were added to the existing industrial workforce almost overnight. Such massive increase in the human resources available for capital to exploit could not but weaken organised labour (ICTU, 2013, p. 16).

The capitalist economy requires this 'labour surplus' (Kelly, 1998, p. 126), or what Marx called the 'industrial reserve army' (1990, p. 784). This competition for work drives down the income for most jobs, and 'tends to produce work that is meaningless and unfulfilling for workers' (Stewart, 2000, p. 132). When workers apply for work and if granted an interview, the interview is generally at a time and place of the employer's choosing. The legalistic notion that the interview is between two equal agents within a labour market is further weakened as the employer can choose who will sit on the interview panel, such as a HR manager and/or a department supervisor. However, if the worker turned up with their freely chosen representatives, the

<sup>7</sup> In 1888, the word 'unemployment' entered the Oxford Dictionary for the first time (Douthwaite, 1992, p.54).

likelihood of being hired is diminished in most occupations e.g. retail sales assistants. The employer likewise can insist before any job offer that the job applicant submit to a medical exam and/or psychometric test. Most workers seeking employment do not have an equivalent on their side of the process. The successful job applicant is then offered a contract, but again such as the case with retail assistants, the contract is drawn up by the employer and offered on a take it or leave it basis. Evans and Hudson (1993, no page) call these contracts ‘standardized packages individually wrapped’, which are designed to strengthen management’s prerogative and unilateral control.

As shown, unemployment in a labour market negatively affects workers more so than employers. However, as will be presented later in the thesis, there is also underemployment or involuntary part-time employment, in that workers can be offered less hours of work than they wish to work (Rubery *et al*, 2003). Spot contracting, where labour is hired for a specific task and each contract has to be continuously renegotiated is one extreme of this precarious type of employment (Williamson, 1975). A similar form of contract is *if and when* contracts, where there is no mutual obligation for (1) an employer to provide work and (2) a worker to perform the work<sup>8</sup> (O’Sullivan *et al*, 2015a). From an employers’ perspective, despite the advantages of flexibility, due to the lack of mutual commitment, these contracts deprive employers of the predictability of their labour supply and the guarantee of its availability when required (Marsden, 1999). Yet, without resistance from workers collectively, many employers would choose to retain this low-risk interaction in the labour market and this ‘was a notable victory for workers and unions (Rubery, 1998, p.137). However, employers with an increase in labour market power due to a recession could attempt to revert back to a spot contracting system, ‘at least for the less powerful groups, including the majority of women and some men’ (Rubery, 2014, p. 30). The disadvantages mentioned above by Marsden (1999) can be circumvented by employers with the use of contracts that commit a particular worker to an individual employer, but only commit the employer to offer zero-hour contracts or part-time contracts with an extremely low amount of guaranteed hours. Consequently, the employer has greater predictability of their labour supply in the event of an increase

<sup>8</sup> Carmichael and Leese v National Power plc [1999] ICR 1226 (House of Lords).

in business, while the worker carries the greater risk in the event of a downturn in the business.

Rubery's (2014) mentioning of less powerful groups, including the majority of women needs to be contextualised in that, according to Edwards and Wajcman (2005) markets are institutions of power. But markets are not a natural phenomenon, in that Rubery (2003, p. xvii) asserts that labour markets are social constructs 'shaped and influenced by institutions and by social actors' (see also Hyman, 2018). One method of how employers, their organizations and unions attempt to shape markets, including the labour market is through political lobbying (Edwards and Wajcman, 2005; Fernie, 2005; Pollert, 2007). When less powerful groups such as part-time workers, the majority of whom are often women, and are paid less (the gender pay gap), further labour market inequalities are revealed in the market-based system (Dundon *et al*, 2017). Economists Lipsey and Chrystal (2011) attribute these inequalities *inter alia* to discrimination that excludes women from certain jobs and crowds them into others. According to Quinn (2004, p 649) this,

Job segregation by sex is explained as the intersection of capitalism and the patriarchy, which benefits capitalists and men, the dominant groups in each system.

While feminism is neither a unified nor a singular theory (Gottfried, 2006), it is important, but it is beyond the focus of this thesis to help resolve these debates. Yet it is acknowledged, that academic industrial relations has been subject to critique for its gender blindness (Danieli, 2006; Dawson, 2003; Wajcman, 2000), although this has recently changed but at a slower rate than in other social sciences (Heery, 2016). Nevertheless, the relationship between socially constructed labour markets and injustices (including discrimination of gender, race, class) in any ensuing employment relationship is of importance to this thesis.

### **The Contract of Employment**

Once the employment relationship is created between an employer and a worker, they enter into a contract of employment. This is an agreement that can be expressed or

implied, oral or in writing<sup>9</sup>. In a narrow sense, economics and common law view this contract as an agreement between two equal parties, similar to other contracts freely agreed in other markets. However, from an industrial relations perspective, Colling and Terry (2010) highlight three characteristics of the employment contract that some economic and legal analysis largely ignore; (1) the indeterminacy of the contract, (2) the asymmetry of power between the parties, and (3) the dynamic nature due to the presence of conflict and cooperation. D'Art and Turner concentrate on the potential for conflict within the employment relationship and identify four characteristics: (1) the wage bargain; (2) the effort bargain; (3) asymmetrical power, and (4) the commodity status of labour (D'Art, 2002; D'Art and Turner, 2003). As this thesis asks how and why workers collectively mobilize in response to perceptions of injustice and employer exploitation (conflict), these aspects from D'Art and Turner will be used, albeit that a degree of overlap exists with Colling and Terry's approach.

Conflict in the wage bargain arises as what is good for one side is frequently a cost for the other (Edwards and Scullion, 1982). When the wage rate is agreed, it is fixed at a quantifiable amount. However, the worker's input of effort is left open-ended, as the employer does not buy the worker's work, but the worker's ability to work. This generates conflict at three levels: physical, intellectual, and emotional (D'Art, 2002; D'Art and Turner, 2003). Conflict over physical effort arises when the employer wants a worker to perform physical tasks faster than the worker believes is reasonable. Conflict over intellectual effort can arise when an employer wants a worker to use their own intelligence in the job but is only prepared to pay 'from the neck down'. Conflict over emotional effort arises especially in the service sector of the economy. The workers are obliged to leave their own emotions at home and instead act out an employer created corporate emotion. However, even when employers reduce the requirement of previous levels of emotional labour, this too can cause conflict as workers may see their autonomy being reduced (Curley and Royle, 2013).

Asymmetrical power in the contractual relationship is a further source of conflicting interests. Wedderburn (1986, p.142) states 'the parties are not equal, even in their ability to go to law' and Kahn-Freund (2009, p. 28) observed that the contract of

<sup>9</sup> Minimum Notice and Terms of Employment Act 1973, Section 1.

employment is ‘a command under the guise of an agreement’. The contract is, in reality, little more than an agreement with precise terms undertaken by the employer (to pay a specified wage and possibly other fringe benefits), while the worker agrees to imprecise terms that have yet to emerge (Dundon and Rollinson, 2007; Edwards, 2003; Honeyball, 1989; Hyman, 1975). Thus, the ‘agreement’ becomes one of subordination, as the law in capitalist societies upholds the employer’s right to manage, or managerial pejorative based on the concept of property ownership. However, as will be seen below, while employers are the more powerful in the relationship, they are not in complete control. Thus the setting and resetting of standards of work and workplace norms result in clashes between workers and employers’ interests, as the employment relationship is an on-going transaction, not the once off commercial exchange so admired by economic textbooks. Even when the employment relationship comes to an end, the employer still has control over the employee in the matter of the reference, as a bad reference mitigates against the worker as they re-enter the labour market.

With these tensions and the potential for conflict regarding wages, effort, power and commodification, between workers and employers, one may wonder why workers are not continuously engaged in collective action. This again is linked to the labour market. The very reason workers seek work in the first place is out of economic necessity and they are dependent on their employer for their livelihood. ‘In other words, workers have no choice’ (Ewing, 2016, p. 3). For example, the legal and free market notions that assume individual workers are ‘free’ to quit and seek alternative employment ignore the possibility that contracting to work for another employer may result in returning to a similar or worse situation (Ironside and Seifert, 2003). Therefore, a worker in the labour market can free themselves from a particular capitalist, but not capitalism itself (Elster, 1985). This countervailing force results in workers’ toleration of the situation or what Edwards (1986, p. 77) has called ‘structured antagonism’ as a central feature of the contract relationship. Edwards (2018) acknowledges that his idea of structured antagonism was influenced by Cohen and the Marxian theory of exploitation<sup>10</sup>. Cohen (2000, p. 82-83) notes that with

<sup>10</sup> Marxist such as Hyman (2006) and Kelly (1998) however state that Edwards (1986) work is non-Marxist.



slavery and serfdom, exploitation was achieved by a combination of (the threat of) 'violence and ideology' but with capitalism exploitation is 'mediated by exchange', as the worker is economically forced to contract with a capitalist. According to Nolan (2012, p. 365), employers have to ensure that wages are translated into productive labour 'and a surplus value that underwrites a handsome 'return' on the initial capital advanced'. However, Cohen (2000) submits that this exploitation must be hidden within the employment contract, or else social stability is threatened. He argues that with feudalism's *corvée* labour, part of the serfs' working time were expressly spent working for the feudal master and part expressly for themselves. However, capitalism creates an impression that all work performed under the employment contract is rewarded in wages/salaries. 'So what feudal rent reveals, the wage system conceals' (Cohen, 2000, p. 403) and what is concealed is the extraction of surplus value.

At work, workers are obliged to do what they are told (Sassoon, 2010) and it is a function of management to tell workers how, when and where they are to work,

Since the workers do not use tools and materials which are their own and since they neither own nor control the products of their labour any more than they have control over the methods which they apply in their work, they cannot achieve their potential self-realisation. They are thus alienated (Watson, 2012, p. 67).

Alienation can be viewed objectively or subjectively (Noon and Blyton, 2002; Watson 2012). From an objective viewpoint, workers under capitalism gradually lose control over the process of production with a division of labour creating more unskilled and highly fragmented work<sup>11</sup> (Blyton and Turnbull, 2004; Braverman, 1998). The pioneer of scientific management (Taylorism), Frederick Winslow Taylor (1911) believed that there was 'one best way' of performing any job and it was the task of management to discover this, by breaking all activities down into their smallest components. Similarly, Adam Smith ([1776] 2007) promoted the idea of improving workers' productivity through worker specialisation. This type of managerial control further alienates workers. Although this has subjective implications, it is fundamentally an objective condition as a contented worker is no

<sup>11</sup> A contrasting approach to this deskilling thesis is the upskilling antithesis (see Noon and Blyton, 2002). However, as this thesis is focused on retail work 'that resembles the classic models of industrial mass production' (Jany-Catrice and Lehndorff, 2005, p. 192) I do not expand on this debate for reasons of space.

less alienated in terms of deskilling than a frustrated one (Watson, 2012). This then creates an objective working class in itself, but not yet a subjective ‘class for itself’ with its own class consciousness and organizations: unions, political parties (Marx, [1845-1848] 2010, p. 211; see also Allen, 1959; Franzosi, 1995; Kelly, 1988). However, once workers begin to bargain then collective organization develops and extends. Cohen (2000, p. 241) writes,

... the abstract possibility of withholding labour power turns into a real threat, which is constantly made and frequently carried out. The workers’ position within capitalism is thereby considerably improved.

As will be shown below, the workers’ power *within* capitalism is enhanced by bargaining collectively, however, this does not equate with *escaping* capitalism (Cohen, 2000, p. 241). Cohen, continues that,

Collective emancipation cannot come through a series of individual exits, but only collectively, through the exercise of class power (ibid, p. 243).

Thus, it was in the context of the 1840s, after half a century of economic growth, when industrial profits grew and wages stagnated, and ‘the condition of the masses was still just as miserable as before’, that the first communist and socialist movements developed (Piketty, 2014, p. 8). However, the potential for a class for itself, and the creation of unions and political parties (reformist or revolutionary), is subject to the subjective nature of class consciousness and is inhibited by antagonism and divergent and contradictory interests of workers (Edwards and Scullion, 1982; Heery, 2010; Kelly, 1988; 1998). With the contract of employment, the employer does not purchase the worker, but the obligation of the worker to work (Fine, 2012, p.119). Labour power can be quantified in time units (hours, days) and can be qualified in terms of skill, education and other productive attributes. Once purchased, the employer can ‘strive ahead’ and extract the actual labour from the labour power they now ‘legally own’ under the contract of employment (Edwards, 1979, p. 12),

The crucial point here is that this need bear no relation at all to the amount of labour that is, subsequently, performed any more than the rental for a car places a limit on how far and how long it is driven (within the limits of the hire contract and the car’s physical capacities) (Fine, 2012, p. 119-120).

How employers get workers to perform is discussed next or in keeping with Fine’s (2102) car rental analogy, how do employers drive workers within the limits of the contract of employment and the worker’s physical (and mental) capacities?

### **Control and Cooperation – The ‘Indeterminacy’ of Labour**

With the transition to the new emerging factory system in the late eighteen and early nineteen centuries, the control of how, when and where work was completed was fundamentally changed. From the ex-peasants’ perspective, work was no longer subject to the rhythms of nature and tradition (Knights and Willmott, 1999). These previous rhythms, however, were deeply engrained and employers were unwilling to accept what they saw as the undisciplined work habits of the displaced peasants (Pollard, 1963; 1968). The employers, in response created disciplinary rules (Kerr *et al*, 1962). Historically, however, according to Ackroyd and Thompson (1999), the intensification of direct managerial control does not lead to the elimination of worker misbehaviour<sup>12</sup>, merely to its expression in different directions and versions. Workers responded both individually and collectively and this in turn created a lack of harmonious employment relations and a labour problem (or labour question) for management (Kaufman, 1998; 2004; 2008; 2014). Management coercion can be resisted as self-conscious individuals always retain some control over their actions (Knights and Roberts, 1982). In the early twentieth century, to remove workers’ autonomy in the workplace and thus potential to resist and evade management control, employers turned to Taylor’s scientific management, where the planning of the work to be performed, the *conception* was separated from the actual performance of the work, the *execution*. However, this also created a dilemma for management as the separation of the conception of work from its execution intensified the alienation of the workers affected. Rigorous compliance with rules and regulations can easily become dysfunctional, so management wish to exert control over their workers while, at the same time, requiring workers to be motivated and co-operative (Thompson and McHugh, 2002). According to Hyman (1989b, p. 96) ‘a simple power relationship is characterised by involuntary or calculative compliance’. Furthermore, where power exclusively depends on blunt force, it is at its most vulnerable (Edwards and Wajcman, 2005).

<sup>12</sup> Ackroyd and Thompson’s (1999, p.1-2) definition of misbehaviour includes,  
Failure to work very hard or conscientiously, through [to] not working at all, deliberate output restriction, practical joking, pilferage, sabotage and sexual misconduct.  
They also cite Sprouse’s (1992, p. 3) definition as ‘anything you do at work you are not supposed to do’.

Therefore, workers' ungrudging obedience, while necessary, is not in itself sufficient. The problem for management is to exercise control but also to harness commitment. However, as Spindler (1994, p. 331) observes, 'one can be committed only if he or she is free to withhold commitment'. Thus in contrast with the trajectory of Braverman's (1998) deskilling assertion<sup>13</sup>, management may reskill, recombine tasks or widen workers' discretion and responsibility (Thompson, 1990). Management may have to trust workers as opposed to controlling them. This was picked up by Fox (1974) who highlighted (while acknowledging exceptions) that managers must trust workers that have discretion in their jobs and tend to use more formal control over workers that have minimal discretion in their jobs.

This dichotomy between greater management control and worker commitment has shifted over the different epochs of capitalism and is categorised by Burawoy (1985) as: (i) the *despotic regime*, in which workers fearful of losing their jobs, begrudgingly comply with management's policies; (ii) the *hegemonic regime*, in which workers are committed to management's policies because they view their interests as overlapping. The third category of the control/commitment concern identified by Burawoy is (iii) *hegemonic despotism* which is similar to the first two categories in that a worker's job depended on their performance at work and the firm's profitable success from one year to the next. However due to the internationalisation and increased mobility of capital, increasing numbers of jobs are vulnerable to the profits that their employer's capital might earn if invested elsewhere (see Brown *et al*, 2009; Brown, 2010).

As capitalism has shifted from monopoly control, state liberalism and class compromise<sup>14</sup> to neo-liberalism and financialisation, the main perspectives in academic industrial relations have altered in their prominence and interaction (Heery, 2016). The main perspectives (or frames of reference) identified by Fox (1966; 1974) are *unitarism*, *pluralism* and *radicalism*. The frames of reference have been added to (the egoist perspective) and sub-divided (unitarism into hard and soft; pluralism into radical and neo-pluralist), and updated within the literature over the years (Ackers,

<sup>13</sup> Braverman (1998) does not assert a universal law of deskilling, but a general tendency (Armstrong, 1988)

<sup>14</sup> For a discussion on class compromise and its variations see Wright (2000).

2002; Budd and Bhawe, 2008; Dundon and Dobbins, 2015; Heery, 2016; Heery, *et al*, 2008).

Space does not permit for a thorough critique of the various perspectives and a brief description of each will have to suffice. The egoist perspective focuses on a market-based relationship and the parties are predominantly motivated by money in which labour is a commodity. This somewhat overlaps with the hard unitarist positions, whereas soft unitarism emphasises psychology in promoting greater worker productivity. The unitarist perspective views conflict as irrational and with the right policies and practices, workers will align their interests with management that in turn is the sole source of authority. Pluralists see unitarism as an unrealistic management aspiration and emphasise that conflict is unavoidable but can be properly managed by bringing it into the open. Collective bargaining and unions are a necessary counterweight in the employment relationship. The radical variant of pluralism similarly holds that conflict is unavoidable in the employment relationship, but argues struggle is specific to working class materialist issues about wages, hours, conditions and other bread and butter issues; which differs from Marxian radical frames that view the sources of conflict as systemic throughout society. Thus, radical perspectives are more concerned with the sources of conflict (external and societal) than with the (internal) procedures to manage conflict. Classical pluralist declarations, such as Flanders' (1970, p. 172) that management 'can only regain control by sharing it', is open to both a radical pluralist and Marxist interpretation, depending on the weight given to either 'regain' or 'sharing'. Nevertheless, while the debate between pluralist and Marxist played out,

The rise from obscurity of the unitary frame of reference represents a sea-change in thinking about work and employment: arguably a manifestation of neo-liberal hegemony within the realm of ideas (Heery, 2016, p. 13).

Unitarism's rise from obscurity is summed up (perhaps unintentionally) by Coates in a review of a biography of Flanders, 'as Allan Flanders left the stage – he died in 1973 – Margaret Thatcher entered it' (2011, p.132). This brings the debate back to the employment relationship and the force of unitarism as a tool capitalists use to constrain worker and union collective power (Cullinane and Dundon, 2014). As shown, workers can improve their position within capitalism, but not collectively escape from it (Cohen, 2000) as Marx's prediction of a 'class for itself' is not yet established. For

example, scientific management was based on an egoist perspective to circumvent the labour problem anticipating that workers would respond individually to the incentive of wages and was developed further by Henry Ford. Gramsci (1971) viewed Fordism (e.g. Taylorism) as a basis for incorporating the working class, especially higher paid workers into the capitalist economy. Fox (1966) and Roche (1992) argue that pluralism rejects efforts of total control of employees' attitudes to employment as superfluous and damaging and this can provide unions with a legitimacy. Unions' ability to negotiate agreements on both the sale of their members' labour power and within the labour process provides unions with an 'industrial legality', and this,

Industrial legality has improved the working class's standard of living but it is no more than a compromise – a compromise which had to be made and must be supported until the balance of forces favours the working class (Gramsci, 1977, p. 265).

However, as the working class is a *class in itself* but not a *class for itself* and this class consciousness is hampered by the fragmented nature of workers' levels of class compromise depending on their individual occupations and collective strength and results in different types of trade unions.

### **Trade Unions**

A trade union is defined as 'a continuous association of wage earners for the purpose of maintaining or improving the conditions of their working lives' (Webb and Webb, [1920] 1950, p. 1). This definition is wider than the Webb's earlier 1894 definition which referred only to 'the conditions of employment'. The distinction between the two definitions is of importance to the debate on the strategic choices unions pursue on behalf of their members (see footnote Webb and Webb, [1920] 1950, p. 1). Cole (1939) amplifies the choice of strategy for trade unions. First, there is the expression of class struggle and that unions should work for the overthrow of capitalism. Unions representing unskilled and easily replaced workers usually wish to represent the entire working class and consequently protect all workers. Thus, unions organizing in loose labour markets adopt a more socialist and/or syndicalist ethos. Cole then identifies a less radical alternative, especially favoured by those unions organizing workers with a skill or profession, who want to maintain a certain privileged position within capitalism as opposed to overthrow the capitalist system. Cole recognises the two

concepts are not mutually exclusive and unions vary their strategies in response to cyclical developments in the labour market to either cooperate with capitalism or launch offences on their members' behalf. In Ireland for example, unions abandoned politically-oriented militancy at an early stage in response to employers and the state adopting a more pluralist approach to organized labour (Goldthorpe *et al*, 1992; Roche, 1992). However, the state's attempts to incorporate organized labour through pluralism may have the unintended consequence of strengthening it (Kelly, 1988).

The terms Craft, Occupational, Industrial and General are traditionally applied to classify trade unions depending on the occupations or sectors they represent. For example, the Amalgamated Engineering Union (AEU, now UNITE) was a craft union, the Irish Nurses and Midwives Organisation (INMO) is an occupational union, the National Bus and Rail Union (NBRU) is an industrial union and the Services Industrial Professional and Technical Union (SIPTU) is a general union. Such classifications however, 'conceal more than they reveal' (Fox, 1963, p. 372) and these orthodox classifications were critiqued by Turner (1962) as unions may operate in two or more of the classifications. Gunnigle *et al*, (1995), writing on Irish trade unions, likewise suggest that it is extremely difficult to categorise unions into such pure categories. Turner (1962, p. 241) prefers to classify unions into 'open' and 'closed' categories. The former describes the unions whose members lack an occupational distinctiveness and, therefore, the union requires membership numerical strength to influence either employers or government. Closed unions, on the other hand, develop their strength not from membership growth per se but from the capacity to control entry into the trade in which they organize. However, these categories are not static. Buchanan (1981) gives the example of closed unions in the UK print industry during the 1960s and 1970s having to open up due to new technology (and its operators) encroaching on their craft.

Without a merger or formal amendment to a union's rulebook regarding membership applications, the composition of the membership can also alter over time. While the image of a typical union member as 'male, stale and pale' (O'Grady quoted in Metcalf, 2001 p. 73), the demographics of actual members have radically changed in recent decades. In the UK, on average, more females than males are union members

(Department of Employment Statistics Division 2018) and in the United States of America (USA),

Today's typical union member, on average, is more likely to be college educated, to live in the suburbs, to be older, and to be female (Asher *et al*, 2001, p.38)

In Ireland, a typical union member has the following attributes according to my calculations based on CSO (2008) figures: is working full time in the midlands with a third level qualification and is a 45 to 55 year-old Irish female, married with children.

Asher *et al*, (2001) suggest that with the diminishing tendency for workers in particular workplace to live in the local neighbour it is harder to convene well attended union meetings,

The "boys in the bar near the factory after work" stereotype has been replaced by a picture of men and women living in scattered residential areas taking their kids to soccer after work rather than continuing to interact [as union members] with each other (p. 173).

This, however, this is not a new phenomenon. Low attendance at union meetings convened outside of work hours has been highlighted in the past. Goldthorpe *et al*, (1968) found low attendance is the norm and as low as three per cent in non-craft based unions. Webb and Webb ([1920] 1950) found that branch meetings are only well attended if there is some major issue. Geographical scatter of membership residential location is also not new as Hughes (1967, p. 16) gives an example of seafarer's unions where 'participation in union affairs on shore is affected by dispersal of seamen to their homes'

Membership participation levels can affect the decision-making process within unions. Turner (1962) classifies three styles of union government and bases these on the occupational makeup of the unions' membership and their levels of participation. The first he categories as 'exclusive democracy', which operates largely on direct democracy, with high membership participation in decision-making and a low ratio of full-time officials, and is common in closed unions, for example the AEU pre-1926. The second style Turner describes as 'aristocracies', where the leadership is subject to strict control but only from one section of the membership i.e. the craft workers in a once closed union, again the AEU but post-1926. Turner's third style of government



he labels ‘popular bossdoms’, where membership decision-making participation is low, thus allowing the officialdom greater autonomy, such as Mandate and SIPTU.

Notwithstanding Turner’s (1962) critique of orthodox categorising of unions, categorising should not be dismissed as purely an academic exercise and trade unions have overlapping objectives and roles: in addition to the economic function through collective bargaining are social and political union objectives. For example, according to Black (1989), the split in the Irish trade unions’ then umbrella organization, the Irish Trade Union Congress (ITUC) in 1945 was caused by the Irish unions wanting to pursue a Nationalist and Catholic agenda. O’Connor (2011) notes however, that the unions remaining in the ITUC were the British-based craft unions and the Irish public sector unions and had interests in the status quo of free collective bargaining or had achieved largely membership saturation of their spheres of influence respectively. The breakaway group comprised of unions who would benefit in membership growth from Irish government job creation policies in certain sectors or the Irish Union of Distributive Workers and Clerks (IUDWC now Mandate) that favoured more legislation because it operated in a sector where collective bargaining was weak. The point being made is that the ITUC split was not an expression of Nationalism/Catholicism, but a choice of strategy exercised in accordance with the memberships’ occupations.

Webb and Webb ([1897] 1965) note that this strategic choice of union policy has trade-offs. Seeking legislation in relation to terms and conditions of employment within a labour market can be expensive and time consuming. The Webbs cite collective bargaining in contrast as a more speedily and complete resolution. Therefore ‘strong’ (p. 255-256) unions prefer the concept of collective bargaining to the protracted and compromising nature of legislative reform. The use of the term ‘strong’ is significant as it indicates that unions can differ in their collective bargaining effectiveness. However, collective bargaining is subject to the commercial context including the labour market in which it is negotiated while legislation, if in place, is more immune to the cyclical fluctuations in trade and consequential changes in bargaining strength (Webbs, [1897] 1965).

As unions can adopt different approaches across the political spectrum, and objectives alter over both time and space, the nature of collective bargaining and collective mobilization of members become an important consideration. In a workplace, unions can seek to ‘organise the employer’ by offering them a less adversarial approach, while others concentrate on building their collective strength by increasing density of their membership (Heery *et al*, 2003, p. 81). Heery *et al*, (2003) mention the AEEU and the Union of Shop, Distributive and Allied Workers (USDAW) as examples of the former. The latter approach links the debate to the servicing versus organizing models of trade unionism. In simple terms, as identified by Blyton and Turnbull (2004) and Heery *et al*, (2001) with the servicing approach members and management view the union as a third party and members engage with their union in a transactional manner and expect a service for their union subscriptions as customers or clients. With the organizing approach, the union seeks to establish that there are just two parties to the employment relationship, the employer and a workforce that is united as a union, ‘the members *are* the union’ (Blyton and Turnbull, 2004, p. 134, emphasis in the original).

The strategic approach unions take can be contradictory as unions have to be pragmatic. In different workplaces, economic and/or political settings, unions may adopt different approaches. As Flanders (1970, p. 15-16) insisted ‘trade unions have always had two faces, sword of justice and vested interest’. However, employers and especially the state, can constrain or suppress a particular form of union method.

### **The State**

Viewed through the lens of eighteenth century philosophy, the emergence from feudalism of the modern state and the capitalist mode of production created the apparent neutralised concept of free workers (and eventually in some states equal citizenship). However, eighteenth century philosophy was (and arguably still is) unable to critique societies that institutionalised equality but nevertheless produces economic and political inequality, thus the need for sociology (Offe and Wiesensthal, 1980). One of the founding theorists of sociology, Max Weber (1946, p. 78), defined the modern state as,

... a human community that (the successfully) claims *monopoly of the legitimate use of physical force* within a given territory<sup>15</sup> (emphasis in original).

The physical force element refers to the military and the police and they, with the government, the opposition, the civil service, central banks and the judiciary, seek to provide the legitimacy which makes up the state. Notwithstanding the monopoly and/or legitimacy of physical force, the greatest distinction between one government and another, according to Lindblom (1977, p. ix), 'is in the degree to which market replaces government or government replaces market' and regardless of the degree of difference, markets have created economic power bases in addition to the state (Lindblom, 2001) and this is discussed further below.

The state is involved in industrial relations as a legislator, employer, setting economic policy, third party conciliator, government departments or agencies and this fundamentally affects employment issues (Farnham, 2000; Gospel and Palmer, 1993). The unitarist perspective focuses little attention to these political sensitivities of the state and is more interested in employment relations within workplaces (Edwards, 2003) and particularly the policies and behaviours of employers and managers (Heery, 2016). Pluralist theory in both academic industrial relations and other social sciences views society of comprising of different interest groups, with no group in an overall dominant position (Barrow, 2016) and according to Watson (2012), the various interest groups compete within an accepted set of rules, with the government holding the ring. From a Marxist perspective, Miliband (1969)<sup>16</sup> notes that the major organized interests in western democratic societies are capital and labour and notes however that governments (even reformist ones) are much less concerned with obtaining the *confidence* of labour than obtaining the *confidence* of both domestic and international capital<sup>17</sup>. Therefore, the state is never neutral in industrial relations (Farnham, 2000, p.21; Miliband, 1969, p. 80) and has, at times in support of capitalism intervened repressively to undermine trade unionism (Kelly, 1998; Martínez Lucio and

<sup>15</sup> Weber was neither original nor unique with this definition as Machiavelli and Lenin albeit from different perspectives, had similar definitions.

<sup>16</sup> A critique of Miliband's book gave rise to the Miliband-Poulantzas debate in which there was much misunderstanding (see Barrow 2008; 2016; Jessop, 2008).

<sup>17</sup> In Latin American terminology, a president promising social reform in favour of the working class can be reduced to a 'violin president' as they are 'put up by the left but played by the right' (Needler quoted in Chomsky, 1991, p.235).

MacKenzie, 2018; Seifert, 2014). Even state non-intervention such as with nineteenth century liberalism was not state neutrality; as the state was non-interventionist ‘in *favour* of capital’ (Hyman, 1975, p. 132, emphasis in original). Likewise, Heyes and Nolan (2010) assert that with the rise of neo-liberalism in the last quarter of the twentieth century, state support (or tolerance) for unions, collective bargaining and progressive social policy was eroded as states no longer acted (or pretended that they were) neutral.

The state’s exposure to capital flight and these other variables links in with Lindblom’s (1977, p. ix) above statement that states are differentiated by how much the ‘market replaces government or government replaces market’ and his observation that ‘in all political systems of the world, much of politics is economics and most of economics is also politics’ (ibid, p. 8). This interplay between markets and politics has consequences. Wright (2009) outlines three ways capitalism limits democratic states. First, capitalists’ decisions over their private property are private matters but may have massive collective [public] consequences for others (such as their employees) who have no democratic input to the decision. Secondly, the actual or the threat (even perceived) of disinvestment (capital flight) constrains all elected governments’ discretion in the raising and allocation of limited resources and the regulation of markets that capitalist may oppose (Costello *et al*, 1989). Chomsky has argued that financial capital,

... is now able to undermine democratic national planning by transferring masses of capital away from countries that seek to depart from the preferred model of low growth, low wage, high profit social policy (2014, p.155).

Wright’s (2009) third assertion is that private wealth when unequally concentrated can disproportionately fund political contestants, political parties, and lobbying campaigns and buy (private sector) media influence to alter public opinion. Chomsky (2015, p.158) notes that capitalism’s ability to manipulate democracy has grown since the 1970s as there has been,

... a proliferation of “think tanks” and a general propaganda campaign to restrict the political agenda to the needs of the powerful.

If all else fails with the propaganda campaign and if business *confidence* becomes vulnerable, a capitalist state has its ‘military force in reserve if matters get out of hand’ (Chomsky 1991, p.375).

Capitalism’s ability to manipulate democracy enables it to pressure governments to deregulate markets and re Commodify state public services, for example health and education. Furthermore, the rise of neo-liberalism and resulting weakness of state support/tolerance for trade unions and collective bargaining has obvious consequences for workers. Esping-Andersen (1990) argued that collective bargaining and/or legal regulation of the employment relationship resulted in the (but not absolute) *decommodification* of labour [for workers in scope] in relation to market forces and subsequent employer authority. However, the recent neo-liberal pursuit of ‘labour market flexibility’ is resulting in a *recommodification* of labour (Hyman, 2015, p. 7).

This chapter so far has provided a necessary starting point concerning the contextual forces affecting worker-employer exchange: the labour market factors, employment contract debates, labour indeterminacy and employer strategies for control and commitment, and the role of both trade unions and the nation state. Such developments bring this discussion within workers’ sense of perceived injustice and next is Kelly’s (1998) Mobilization Theory.

### **Mobilization Theory, a Definition**

The economist, James Duesenberry (1960, p. 233), attempted to draw a demarcation line between economics and sociology and stated that ‘economics is all about how people make choices; sociology is all about how they don’t have any choices to make’. However, industrial relations as a discipline has less defined demarcation lines. Academic industrial relations draws on both economics and sociology, as well as history, law, politics, and psychology (Clarke *et al.*, 2011). Over the last two decades, industrial relations has also drawn on Social Movement Theory and this can be mainly attributed to John Kelly’s (1998) book, *Rethinking Industrial Relations* (Gahan and Pekarek, 2013; Kitay, 1999), which has helped ‘reinvigorate the radical wing of industrial relations scholarship’, (Heery, 2005, p. 4).

Kelly's (1998) Mobilization Theory differs from mainstream industrial relations theories on 'how to get workers to work', in that, in line with its Marxist roots, Mobilization Theory interrogates 'how does injustice lead to collective action' (Yon, 2016, p. 60). Kelly's (1998) development of Mobilization Theory is viewed as an alternative conceptual framework to the pluralist/Human Resource Management (HRM) perspectives that dominate academic literature (Darlington, 2006; Rose, 2004; Yon, 2016). This has two advantages, according to Yon (2016). Firstly, Mobilization Theory's analytically sophisticated concepts are more effective in studying the process of collective action. Secondly, the concepts shed more light on the,

Crucial aspects of the employment relationships – that is, repression against workers' mobilization by employers and the state – which mainstream industrial relations theories ignore (Yon, 2016, p. 60).

It is with this mobilization of sanctions and resources by workers that Mobilization Theory attempts to provide a conceptual framework. Mobilization Theory is grounded on the work of Tilly's (1978, p. 54-55; Kelly, 1998, p. 25) mobilization model, which has five components: interests, organization, mobilization, opportunity and action. These are now described, drawing on the literature as necessary.

### **Interests**

For mobilization to occur, workers must see their interests as conflicting with their employer's. Therefore, interests are the fulcrum of the theory and can be individual, semi-collective, or collective and, if collective, can be formal or informal groups. According to Tilly (1978), interests are the shared advantages or disadvantages likely to accrue to a group as a consequence of possible interactions with other groups. Compared to employers, Kelly (1998, p. 4) highlights the problem of,

how do workers come to define their interests in collective or individual terms: [as there] ... is such a wide and diverse range of employee interests that can be pursued through the employment relationship.

The employer in contrast is an aggregation of capital from the outset so automatically represents a collective entity (Wedderburn, 1986) and profit provides a clear-cut measure of an employer's interests (Kelly, 1998). Individual workers cannot 'merge' like capital and, at best, can only 'associate' (Offe and Wiesensthal, 1980, p. 74). Since there is no equivalent to profit on the workers' side, they are obliged to construct

definitions of interest through debate inside their own organizations (discussed in greater detail below). Olson (1971, p. 8) asserts that individuals as members of a group,

also have purely individual interests, different from those of the others in the organization or group.

Mobilization Theory seeks to explain why workers choose to combine in the face of such heterogeneous and potentially conflicting self-interests.

### **Organization**

The second component of Mobilization Theory is organization and comprises ‘common identity’ and ‘unifying structure’ of the group (Tilly, 1978, p. 54). Central to organization is the concept of a social identity in that individual workers share a grievance and, in turn, see the *injustice* in collective terms (Stevenson, 2016). Mobilization Theory seeks to ascertain the extent to which members identify with their union and interact with others as union members (Kelly, 1998). This interaction is the focus here, as opposed to the measurement of structural properties such as union density figures, steward-member ratios, which are descriptive but shed little light on union members’ motivation and willingness to engage in collective action.

### **Mobilization**

The third component is mobilization which is the process that a group acquires collective control over individual resources such as labour power, goods, weapons, votes in pursuit of common interests (Tilly, 1978). Kelly (1998) expands upon this and suggests that mobilization is the process whereby individuals calculate the costs and benefits of collective action. Here, Kelly here draws on the work of Klandermans (1984a; 1984b). Klandermans identified three factors: (i) what expected support the collective action has, (ii) what the perceived reaction of others will be (friends, work colleagues and family), and (iii) the material costs and benefits in terms of ‘money, time injury and entertainment’ (Klandermans, 1984a, p. 586). Offe and Wiesensthal (1980, p. 80) suggest,

What unions need in addition, is the conscious and coordinated active participation of their members, namely, as a final resort, the willingness to go

on strike. In the simplest terms, a difference between the two types of organizations [employers' organizations and unions] lies in the fact that the one depends upon its ability to generate the members' "willingness to pay", whereas the other depends, in addition, on its ability to generate its members "willingness to act". These two different organizational requirements assign different tasks to the respective leadership group.

The timing of this willingness to act leads to the next component which is opportunity.

### **Opportunity**

Opportunity is the penultimate component and includes the policies and actions of employers and the state in counter-mobilization to change workers' perceptions of their own interests, thwart worker collective organization, and repress collective action. Opportunity, therefore refers to (i) the resulting balance of power between the parties, (ii) the costs to workers of counter-mobilization, and (iii) the opportunities for workers to pursue their interests (Kelly, 1998). Employers engaging in counter-mobilization can adopt a confrontational approach to workers' leaders such as shop stewards and employees' unions (Blyton and Turnbull, 1994; Terry, 1999; Tuckman, 1998). Murphy and Turner (2013, p. 304) echo this observation in relation to fear in employment relations and state that,

Fear has remained somewhat underexplored despite the documented use of oppressive tactics, threats and intimidation by employers in union recognition and certification campaigns in ... countries such as the United States, United Kingdom and Ireland.

Kelly (1998, p. 65) further contends that Mobilization Theory brings into view the 'repressive face' of the State in capitalist societies and there has been a deficiency of research of such repression in academic industrial relations literature.

### **Action**

The final component of mobilization theory is action and consists of people acting together in pursuit of common interests. In applying Mobilization Theory to industrial relations, Kelly (1998) suggests that data on strike activity provides a defensible focus notwithstanding other forms of action (but less studied) such as overtime bans, go-slows and works-to rule. Tilly (1978, p. 7) has cautioned that analysing less focused



collective action is problematic, as people can vary from ‘intensive involvement to passive compliance’. In addition, it has been argued that the whole process of collectivisation is heavily dependent on the actions of small numbers of leaders or activists such as shop stewards (Kelly 1998; Darlington, 2006). Gall (1999, p. 331) however, cautions that ‘the presence of activists is necessary but not sufficient to explain the taking of action’, as leaders may urge action but the workers lack confidence to act.

### **Some Critique of Mobilization Theory in the Literature**

Prior to the publication of *Rethinking Industrial Relations* in 1998, Kelly (1997a; 1997b) had previously published two papers utilising Mobilization Theory in academic industrial relations. In his September article, Kelly (1997a) cites Mobilization Theory, but fails to define it adequately and just references the theory to other authors such as Tilly (1978). The following month, in the second article, Kelly (1997b) thankfully provides a definition of Mobilization Theory which is the one used in *Rethinking Industrial Relations* (Kelly, 1998). The book was subject to a number of peer reviews the following year (Gall, 1999; Kitay, 1999; Martin, 1999; Nolan, 1999; Turner, 1999; Wajcman, 2000)<sup>18</sup>. Turner (1999, p. 509), while generally praising Kelly’s work, criticises him for displaying a ‘fundamental misunderstanding’ of what is social partnership. Two decades later, it appears that it is Turner who has the misunderstanding (Gall and Holgate, 2018). Wajcman (2000, p. 189) critiqued Mobilization Theory as a ‘missed opportunity’ regarding gender and Kelly (2000, p. 171) acknowledges that the topic was ‘unjustifiably omitted’. Gall (1999), in his first review, severely critiques Kelly’s (1998) suggestion that union renewal can be achieved by unions campaigning with other social movements. This requires some discussion here, as working with social movements is Mandate’s policy<sup>19</sup> and, in industrial disputes, Mandate has drawn on these external resources when appropriate. Gall (1999, p. 339) states that,

This kind of social movementism implies *nee necessitates* abandoning the central tenet of Marxism, namely that the working class is the gravedigger of capitalism and the handmaiden of socialism (emphasis in original).

<sup>18</sup> For a short review of three of these reviews, see Gall (2000).

<sup>19</sup> Such as Justice for Colombia, Right2Water, Right2Change.

With respect to Gall (2000), he accepts that some of his original arguments are not well formulated. Nevertheless Kelly's (2000, p. 171) reply to same, contends that,

Politically, the idea that any cross-class alliance *necessarily* subordinates working-class interests to those of its allies is an ultra-leftist position one expects from orthodox Trotskyists, but surprising from the more heterodox Gregor Gall (emphasis in original).

Tilly (1978) likewise critiqued Trotsky's definition of a revolutionary situation as too restrictive in that, Trotsky's concept is for sovereignty to be contested by two blocs and the two blocs are each comprised of a single class. Tilly contends that it should be expanded to,

... include blocs consisting of coalitions of classes and/or other groups and to allow for the possibility of three or more simultaneous blocs (Tilly, 1978, p. 191).

In mobilizing against the State or an employer, the argument contained in Mobilization Theory is that it is not one class against another class in a pure sense. For example, when Mandate is engaged in a strike with a retail employer, the picketers need to persuade customers not to pass the picket line, regardless of their social class. As will be shown below, small business owners actually helped Dunnes' picketers during strikes. This cross-class alliance concurs with Lenin's concept of a revolution (and Tilly's, 1978) more so than Trotsky's, in that Lenin stated that,

So one army lines up in one place and says, "We are for socialism", and another, somewhere else and says, "We are for imperialism", and that will be a social revolution! Only those who hold such a ridiculously pedantic view could vilify the [1916] Irish rebellion by calling it a "putsch". Whoever expects a "pure" social revolution will never live to see it. (Lenin, [1918-1919] 1974; p. 355-356).

Ackers (2002, p. 3) challenges Mobilization Theory as too radical and calls it 'Kelly's (1998) Marxist manifesto'. Instead, Ackers proposes 'Neo-Pluralism' as a viable theoretical basis for the rejuvenation of academic industrial relations. This likewise calls for unions to form cross-class alliances but with employers and the State. Ackers asserts this can be achieved through social partnership, stakeholder consultation, a neutral State, and enlightened employers. However, as for social partnership, the Irish State and employer organizations abandoned it in 2008 when the circumstances suited, as did Tesco with a workplace partnership agreement. Dobbins and Dundon (2016, p. 110) gave examples of much lauded workplace level partnership agreements in the

Irish private sector, like Waterford Crystal, Aer Rianta, Tegral Metal Forming, and Allied Irish Bank that have all withered ‘in the face of internal tensions and external pressures’. In general, workplace-level partnerships are rare in Ireland because the necessary supports are weaker than the global neo-liberal forces that undermine them (McDonough and Dundon, 2010). It is difficult, therefore, to envisage how Ackers assumes employers will willingly enter into partnership with unions, when they do not have to, or as Kelly (1996, p. 88) observes,

It is difficult, if not impossible, to achieve a partnership with a party who would prefer that you didn’t exist, the growth of employer hostility is a major objection to the case for moderation.

Ackers supports his advocacy of stakeholder consultation with a discussion that belongs more in the literature on Hall and Soskice’s (2001) *Varieties of Capitalism*. This is an unscientific approach in as much as it argues that the theory of Neo-Pluralism, as asserted by Ackers (2002), is valid, if only we could change reality. The reality meanwhile, according to Kelly and Frege (2004), is that union strategies are shaped by themselves, the actions of industrial relations institutions, the State, and employers and are embedded in nationally specific historical and political contexts (discussed in more detail in Chapter 4).

Ackers’ (2002) aspiration for the State is, according to Dobbins (2010), over-optimistic in open economies like Ireland and goes on to state that,

It is also noted that the existing status quo is strongly influenced by the Irish government’s concern to court US multinationals, many of whom oppose robust collective worker representation/participation (Dobbins, 2010, p. 21).

The State’s concern in the appeasement of multinationals has led to the Irish Government colluding with employers (behind the trade union’s backs during the height of social partnership) when enacting employment legislation (Dundon *et al.*, 2014). In a more overt fashion, the State often intervenes in the labour market on the side of employers when wages are rising too fast<sup>20</sup> (Seifert, 2014). Ackers’ (2002) final component of Neo-Pluralism is that of enlightened employers. But no matter how

<sup>20</sup> The State has a long history of intervening on the side of employers when the labour market is favourable to workers; the Ordinance of Labourers 1349 and the Statute of Labourers 1351 are the earliest examples. A more recent example in Ireland would be the Emergency Powers Order No. 83 (Wages Standstill Order) 1941 during the Emergency or what was called World War Two elsewhere.

enlightened they are, they are in competition with unenlightened employers. According to Harvey (2010, p. 123), ‘appeals to virtue, morality or benevolence’ when one considers Marx’s term the ‘coercive laws of competition’,

... push all capitalists to behave in similar fashion no matter whether they are good people or proverbial capitalist pigs (Harvey, 2010, p. 123).

In defence of Kelly (1998), his analysis is of the world we live in, rather than the world Ackers may wish we live in. My own criticism of Kelly’s (1998) Mobilization Theory is not ideological but rather conceptual, and this is where I now focus.

### **Lack of Clarity and Overlap**

As seen above, Mobilization Theory has five components: *interests*, *organization*, *mobilization*, *opportunity*, and *action*. Some of the five components as defined by Kelly (1998) and Tilly (1978), according to Furåker (2005) and Kaufman (2018), lack clarity and are not very illuminating. Gall (1999) has similar concerns, and Kelly (2000) appears to accept these as legitimate. A further difficulty with the theory is that Kelly (1998) uses three figures or conceptual models to explain Mobilization Theory; on page 26, he uses Tilly’s (1978, p. 56) *mobilization model*, on page 28 is Kelly’s own adaptation of McAdam’s (1988) *model of collective action*, and Kelly’s own construct is on page 32 of a *social identity and its consequences model*. These models are reproduced below (Figures 1, 2, and 3, respectively). However, I concur with Kaufman (2018) and assert that Kelly’s use of three models from different authors confuses his concept of Mobilization Theory. This is because each of the models (Figures 1, 2, and 3) introduce new components to the five original steps<sup>21</sup>.

21 Tilly’s (1978) conceptualisation of his model/theory exacerbates the confusion further in that he list 40 figures in his book’s list of figures.

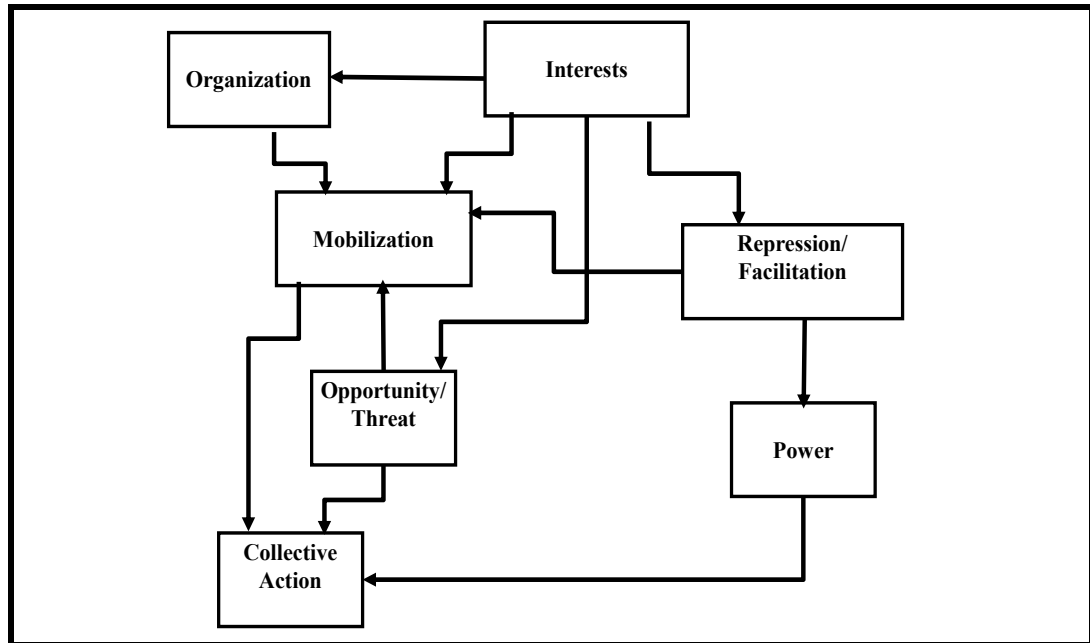


Figure 1. Tilly's (1978, p. 56) mobilization model

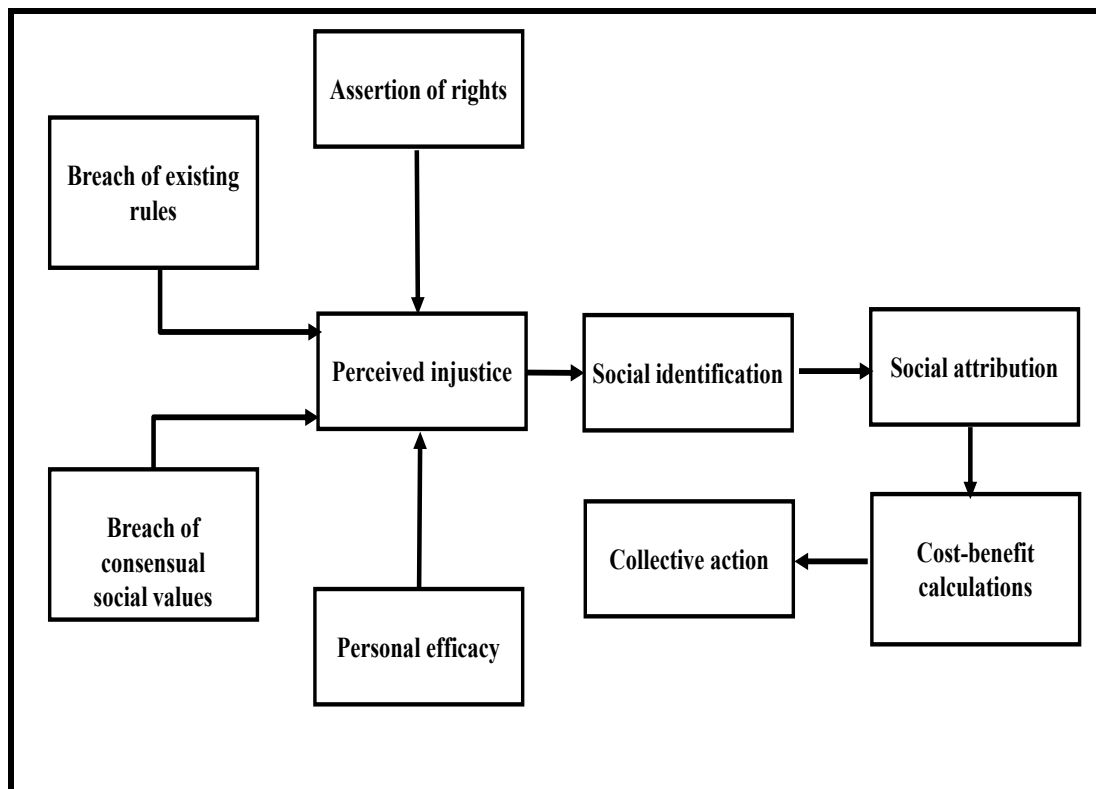
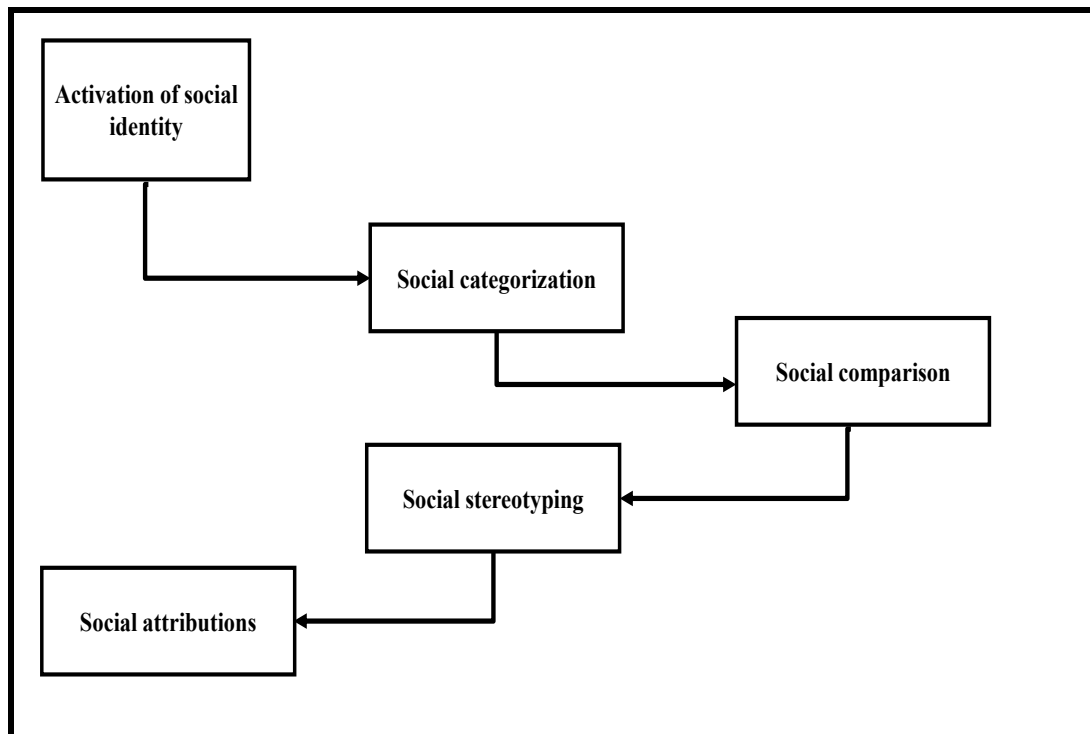


Figure 2. McAdam's (1988) model as constructed by Kelly (1998, p. 32)



**Figure 3. Kelly's (1998, p. 32) Social identity and its consequences model**

In addition to these conflicting models and a lack of conceptual definition, a degree of inconsistency exists within the social movement literature. For example, Lysgaard (1961), a sociologist, lists the necessary conditions for workers to collectivise as: *status*, *geography*, and *interpretation*. First, workers must have approximately the same position in the hierarchy of the work organization as this facilitates identification with others who share the basic conditions of life or work, and have the same type of work tasks, wages, working conditions. Lysgaard's second condition is physical proximity, which facilitates interactive communication among workers as they exchange views about their situation to discover what they have in common. The final condition is that workers must develop similar interpretations and feelings about what their common problems are and what can be done to resolve them. From an employment relations perspective, Peetz (2005, p. 710) similarly uses three components but unfortunately adds to the above mentioned inconsistency with different concepts,

In order for collectivism to exist, there must be some *collective needs* or interest. ... Second, for collectivism to flourish, there must be *collectivist attitudes* amongst potential members of the collective. ... Third, for collective

actions to occur, the group must have a *coordinating capacity* ... (emphasis in original).

Hirsch (2015, p. 105), on the other hand, coming from a social movement perspective identifies four separate components,

Mobilization can then be explained by analysing how group-based political processes, such as consciousness-raising, collective empowerment, polarization, and group decision-making, induce movement participants to sacrifice their personal welfare for the group cause.

Hirsch's first component of consciousness-raising is similar to Lysgaard's (1961) component of workers developing similar interpretations and feelings about injustices, but the two authors place them at opposite ends of the process. Hirsch (2015, p. 105) also notes that consciousness-raising is unlikely among socially marginal individuals because of the difficulties in communicating ideas to others, which is Lysgaard's (1961) second condition of physical proximity. Hirsch's second component of collective empowerment states that,

... the real test for the movement comes at the actual protest site [such as a mass meeting] where all involved see how many are willing to take the risks associated with challenging authority<sup>22</sup> (2015, p. 106).

Hirsch's (2015) third component is polarization, in which the protest group's initial challenge to authority widens the gap between the sides and initiates the authorities' counter-mobilization, and this can either thwart or enforce the collective will of the protest group. In an industrial relations context, this point is not lost on employers in seeking redress through the Courts,

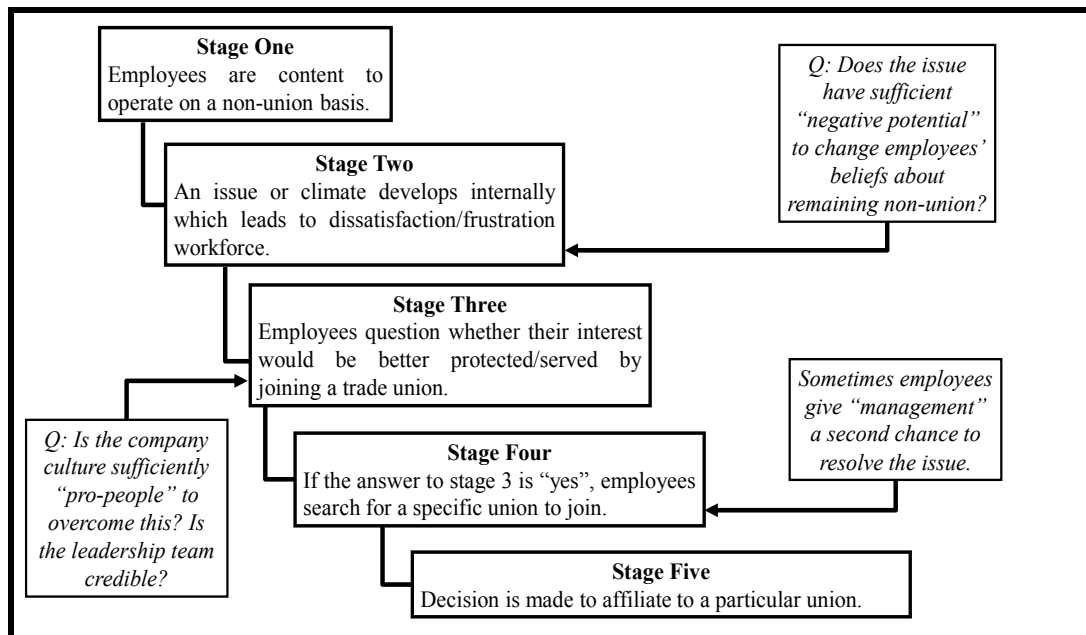
In some cases, far from undermining the industrial action, the employer's resort to the law was seen to have strengthened the members' resolve (Elgar and Simpson, 1993, p. 12).

Hirsch's (2015, p. 107) final component is group decision-making on whether to 'initiate, continue, or end a given protest'. This decision-making process can reinforce group loyalty, in spite of individual preferences.

22 Applying Hirsch's second component, in an industrial relations setting, Laver (1984), a political scientist, contends that a show of hands in a vote allows undecided members to gauge the support for a proposed strike before casting their own vote. This information is largely denied to them by the state's statutory requirement for secret ballots.

Gamson (1992) a sociologist, states that for collective action to occur, there must be three components, *injustice*, *agency*, and *identity*. The judgement about a particular *injustice* must be built on emotion as opposed to a cognitive judgement (Gamson, 1992, p. 7). Gamson (1992, p. 7) describes his *agency* as a workers' own sense of efficacy such that 'not merely something can be done but that 'we' can do something'. The final component, identity, is the necessary identification of an outgroup, a 'them' and us' who have different interests.

From a completely different perspective, the business consultant Mooney (2005), in his book *Union Free: Creating a Committed and Productive Workforce*, claims on the blurb that it is not a 'union-basher's Bible'. The book's index makes no reference to Mobilization Theory, social movements or the authors Kelly (1998) and Tilly (1978). Nevertheless Mooney's (2005, p. 245) conceptual model is of interest to this thesis in that dissatisfaction or frustration leads to a workforce's separate collective identity to management which can lead the workers deciding to join a union (see Figure 4). This process is similar to the one contained in Kelly's (1998, p. 44) own definition of Mobilization Theory (reproduced below), in that injustice leads to common identity, which then leads to collective action.



**Figure 4. Mooney's (2005; 245) conceptual model**



The authors mentioned above – Lysgaard’ (1961), Peetz (2005), Hirsch (2015) Gamson (1992) and Mooney (2005), and their various components of collective action – are reproduced in Table 2 for ease of comparison.

**Table 2. Components of mobilization according to the literature**

Author	First Component	Second Component	Third Component	Fourth Component	Fifth Component
Lysgaard (1961).	Workers have same position in the work hierarchy	Physical proximity facilitating interactive communication and	Similar interpretations and feelings about what their common problems		
Peetz (2005).	Collective needs	Collectivist attitudes and	Coordinating capacity		
Hirsch (2015).	Consciousness raising	Collective empowerment	Polarization, and	Group decision-making	
Gamson (1992).	Injustice	Collectivist attitudes and Agency	Identity		
Mooney (2005).	Employees are content	Issue leads to disaffection/frustration among employees.	Employees consider joining a union.	Employees search for a specific union.	Decision to affiliate to a particular union.

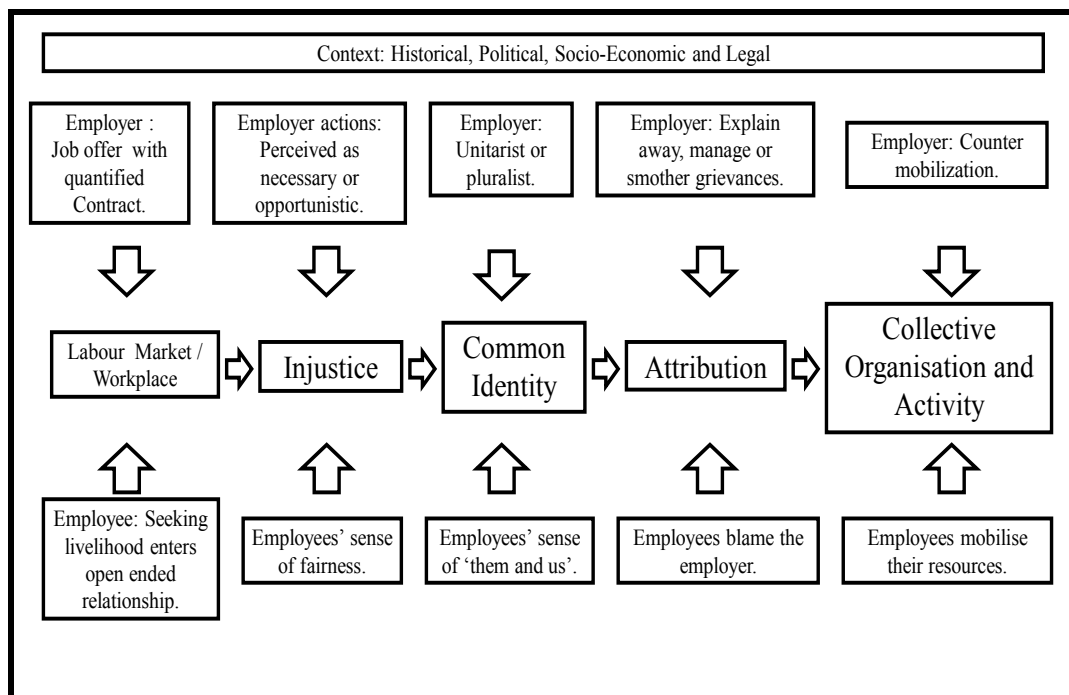
As the literature above is somewhat conflictual, Kelly’s (1998) and Tilly’s (1978) vagueness regarding the components of interests, organization, mobilization, opportunity, and Kelly’s (1998) three conceptual models, it is necessary to try and clarify the theory. For this, I start with Kelly’s (1998, p. 44) own definition of Mobilization Theory,

Mobilization theory argues that collective organization and activity ultimately stem from employer actions that generate amongst employees a sense of *injustice* or illegitimacy. Employees must also acquire a sense of *common identity* which differentiates them from the employer; they must *attribute* the perceived injustice to the employer; and they must be willing to engage in some form of *collective organization and activity*. The whole process of collectivization is heavily dependent on the actions of small numbers of leaders or activists (emphasis my own).

Seventeen years later, Kelly (2015, p. 533) restates his definition and it is noted that he again does not use Tilly's (1978) components of *interests*, *organization*, *mobilization*, *opportunity*,

In essence, the theory states that the collectivisation of a set of individuals requires them to adopt a particular set of beliefs: their conditions of employment are in some way unjust or unfair [*injustice*]; fellow workers share their sense of grievance [*common identity*]; the employer is either the cause of their employment problems or is responsible for their alleviation [*attribution*]; union action against the employer will be effective and at minimal cost; and these beliefs are combined into a coherent narrative or 'collective action frame' that explains their predicament and legitimates their protest [*collective organization and activity*].

Kelly's definitions<sup>23</sup> certainly trump his conceptualisation of the theory. The components of his definition: *injustice*; *common identity*; *attribution*; *collective organization*, and *activity*, I have reconceptualised in Figure 5. This new conceptual model is used as the lens for this thesis, and I now go on to justify the sequence of these components by drawing on the literature<sup>24</sup>.



**Figure 5. Conceptual model developed for this thesis**

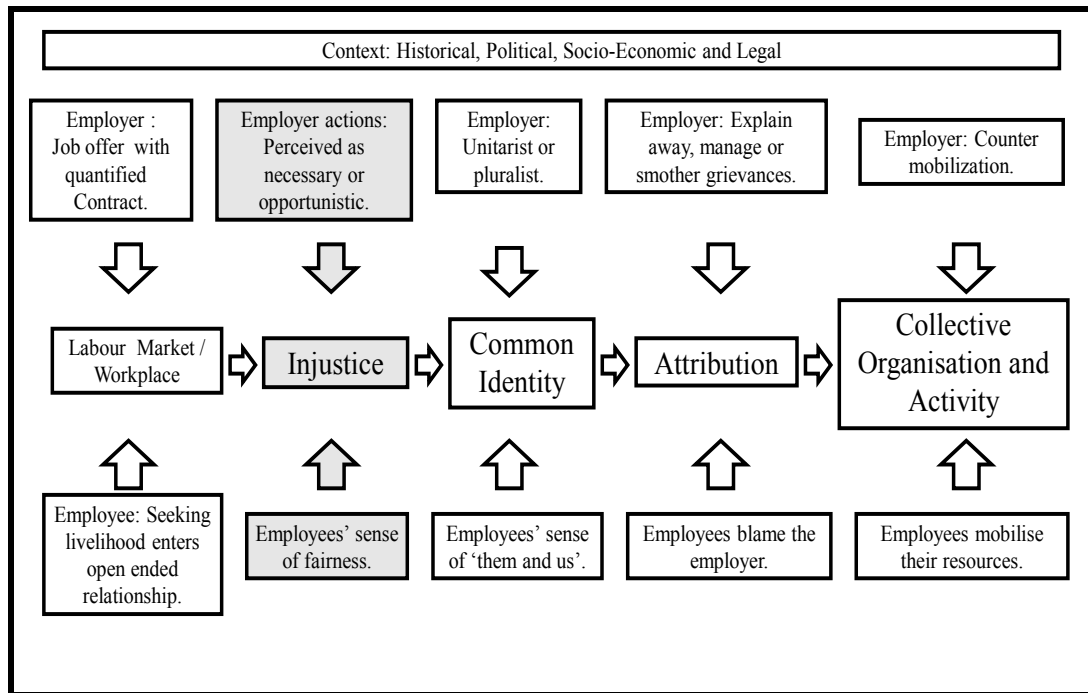
Source: Author

<sup>23</sup> Klandermans (1997, p. 43) likewise states the process as *injustice*, *common identity*, *attribution* ... .

<sup>24</sup> The labour market and its impact on the workplace (first vertical column of Figure 5) is already addressed at the start of this chapter and the 'Context: Historical, Political, Socio-Economic and Legal.' (top horizontal box of Figure 5) is discussed in detail in Chapter 4.

## Injustice

Even with workers' toleration of the power imbalance in the labour market, a workplace injustice can trigger collective action according to Kelly (1998, p. 44). See shaded area of Figure 6.



**Figure 6. Injustice**

Source: Author

In that Kelly

(1998, p. 27) asserts that,

The *sine qua non* for collective action is a sense of injustice, the conviction that an event, action or situation is 'wrong' or 'illegitimate'.

Atzeni (2009, 2010), however, critiques Kelly's (1998) use of injustice as a departure point, as it is subjective and an individually framed concept,

There will always be injustice; people [workers] will always feel aggrieved, exploited and unrewarded but the form of their injustice will never be the same (Atzeni, 2010, p. 17).

Injustice may be a useful tool for trade unions' organizing and revitalization but it is framed within capital's fetishism (Atzeni, 2010, p. 31).

Instead, Atzeni (2010, p. 28) argues that because of the collective nature of the labour process, solidarity should be the departure point,

We should start by inverting the analysis: it is because a form of solidarity pre-exists that other organizational developments can follow.

Atzeni's (2010) critique assumes that due to an employer's methods and control of the production process, solidarity already exists. If that is so, what triggers it? This brings the discussion back to workers' sense of injustice. Furthermore, Atzeni's case studies concentrate on short-term mobilizations in single workplaces, as opposed to larger long-term mobilizations across multi-site workplaces, industries or countries (Anner, 2012). For a broader discussion on the role of left-wing leaders' interaction with the wider membership during epochs of heightened class struggle, as in the case of strikes during the 1970s in the UK, see Darlington (2018) and Seifert and Sibley (2010)<sup>25</sup>. As this thesis is concerned with multi-site workplaces, it is fitting to utilise Kelly's (1998) Mobilization Theory rather than Atzeni's (2010) version.

Regardless of solidarity or research site, Kelly's 'formulation of injustice is placed firmly within the structural contradictions of capitalism' (Moore, 2011, p. 56). The importance of a sense of injustice to Mobilization Theory is supported by Buttigieg *et al.* (2008) and Brown Johnson and Jarley (2004). Buttigieg *et al.* (2008) distinguish between procedural injustices and distributive injustices. The former concerns the employer breaching agreed procedures and this violation of the status quo gives rise to the sense of injustice. The latter, distributive injustices, occur when workers are unhappy with the status quo, for example, a sense of unfairness in relation to pay and other conditions of their employment. Brown Johnson and Jarley (2004) state that alienation and job dissatisfaction can arise from conditions beyond management's control, however a sense of injustice regarding an immoral act by management opens the possibility for leaders to persuade workers of a moral alternative that can be achieved by collective action (see below – framing). For this to happen, workers must see themselves as a separate group to their employer; they must have their own common identity (see shaded area of Figure 7).

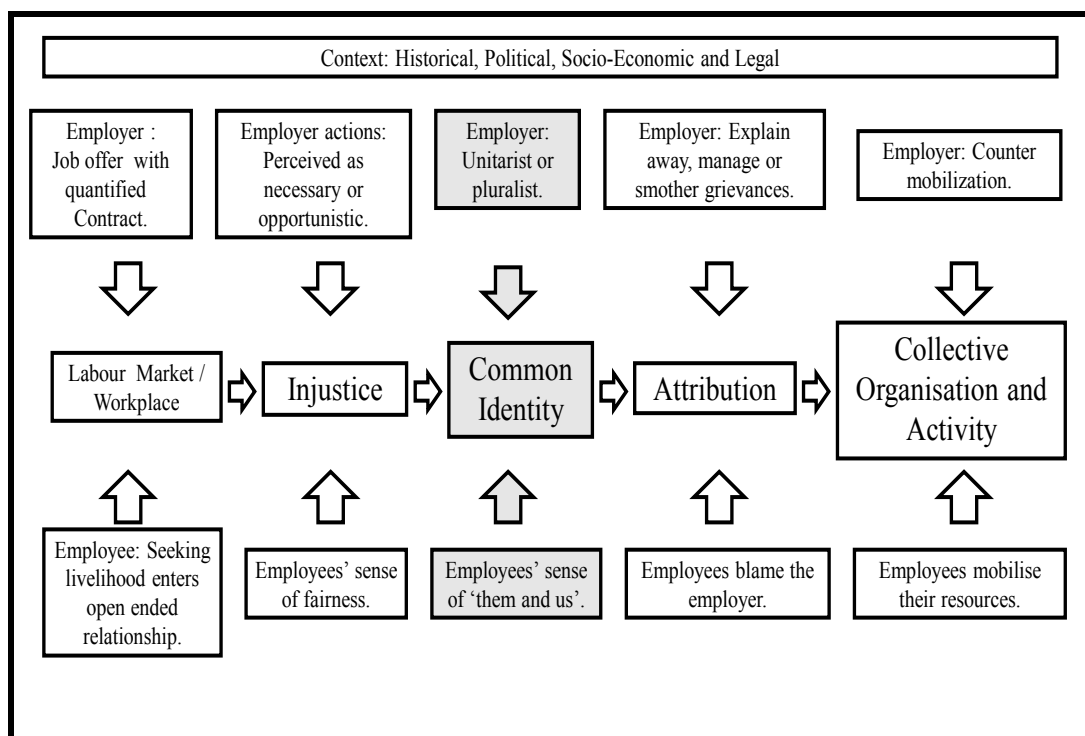
<sup>25</sup> In relation to single strikes and/or disputes at individual companies during this period of intense class struggle, see Arnison, (1970; 1974), Batstone *et al.* (1978), Dromey and Taylor, (1978), Edwards and Scullion, (1982), and Lane and Roberts, (1971).

### Common Identity

If a sense of injustice is indispensable, the next step in the process is forming a common identity and Kelly (1998, p. 29) suggests,

Injustice (or illegitimacy) frames are critical for collective organization and action because they begin the process of detaching subordinate group members from loyalty to ruling groups (or in Marx's 1847 terms converting a class-in-itself into a class-for-itself).

Perceived injustice is the origin of workers' collective definitions of interests and from those definitions in turn flow collective organization and action (Kelly, 1998, p. 64).



**Figure 7. Common Identity**

Source: Author

As unions seek to operate on collective interests, framing an injustice can be challenging as an injustice may be interpreted individually by workers, such as scheduling of working hours (Cox *et al*, 2007; Lawrence, 1994). It is apt to be mindful of Peetz's (2005, p. 710) above mentioned concept of a 'coordinating capacity' of networks between members of a group and their mobilizers/leaders at this point. Similarly, McAdam (1988) suggests mobilization is facilitated if there is a presence of a pre-existent political organization such as a union. Trade unions, as the collective

representative of workers, have a central leadership role in presenting an alternative set of beliefs to that presented by management (Upchurch and Grassman, 2015). However, the presence of a union does not automatically result in the management engaging with the union to resolve the injustice (discussed in detail in Chapters 4 and 6).

Atzeni (2009) again suggests that the contradictions of the capitalist labour process can result in spontaneous collective action without an existing leadership. Conversely, Willman (1994) notes that in the event of an employer's hostility to unions, workers may need to rely on full-time officials rather than lay representatives. Whatever about Atzeni's large car manufacturing plants in Argentina, in Irish retail, the data gathered in the completion of this thesis would support Willman's position. In retail, even in the absence of employer hostility, union organizing can be dependent on union officials due to the high turnover of employees and relatively small workplaces (Simms, 2007a; 2007b). Holgate *et al*, (2018) note that in Kelly's Mobilization Theory and subsequent academic application, there is a tendency to conflate two related but distinct concepts: mobilizing and organizing. Drawing on the work of Cregan *et al*, (2009), Holgate *et al*, distinguish between *transactional* leaders that service unionised workers compared to *transformational* leaders who encourage members to participate in the union thereby strengthening *common identity*.

The emphasis on leadership contained in Kelly's (1998) Mobilization Theory has also drawn criticism from Ackers (2002), suggesting it is an academically refined version of the Leninists model for the development of class consciousness. Similarly, Fairbrother (2005) describes the theory as vanguardist, suggesting instead membership spontaneity. Klandermans (1997, p. 41) disputes this citing,

... studies of the labour movement have always underscored the importance of class consciousness or solidarity for class action (see Fantasia 1988; and Weakliem 1993 for recent examples). At the same time these studies have also demonstrated that such consciousness does not develop automatically.

Kelly (1998, p. 30) develops the link between common identity and leadership further,

Social identification entails the process whereby people develop a sense of themselves as a distinct group, 'we', defined in opposition to an outgroup, 'them', which has different interests and values. Both attributions and social

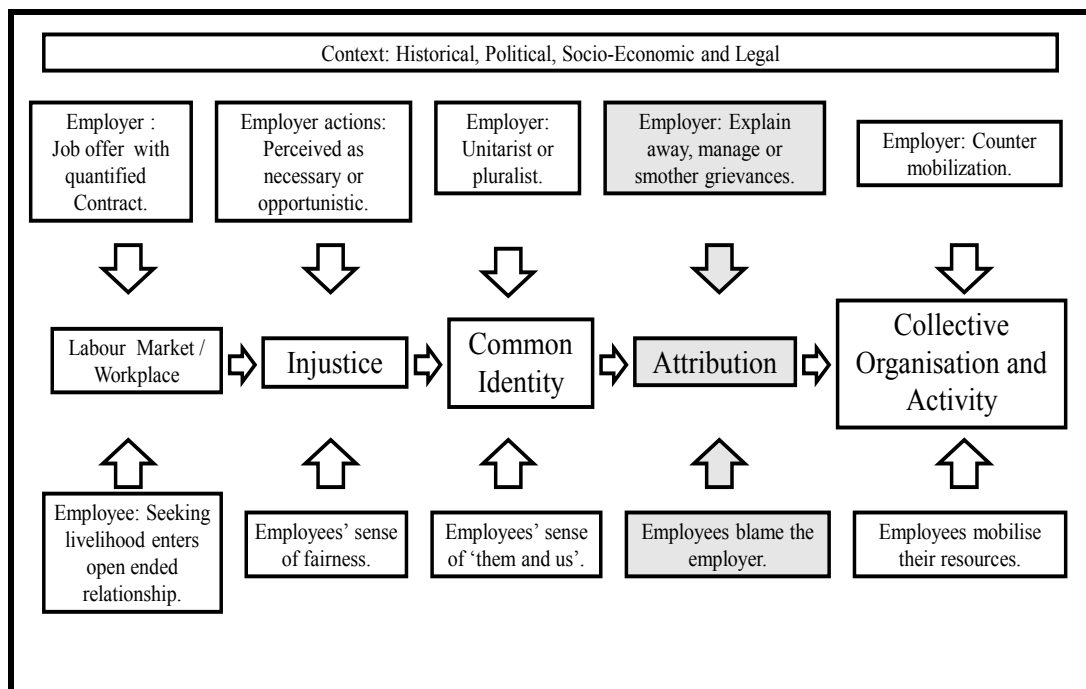
identities are socially constructed by activists or leaders (Fantasia 1988; Gamson 1995; Klandermans 1997, p. 38-44).

Darlington (2006) suggest that leadership is a relationship that involves listening, as well as talking, so a dynamic activity occurs with other actors who may interpret a given situation differently (see *framing* below). This leads us to the next stage of the process – attribution.

### Attribution

If the process commences with a perception of *injustice* leading to a *common identity*, the next step is *attribution* (see shaded area in Figure 8). Kelly (1998, p. 127 -128) asserts,

Whilst the roots of collective interest definition lie in perceived injustice, it is crucial that workers attribute their problems to an agency which can be held responsible either for causing their problem or for ameliorating it (or both). ... How do they acquire the conviction that the employer is to blame for their problems?



**Figure 8. Attribution**

Source: Author

According to Kelly (1998, p. 27), ‘dissatisfaction may be necessary to motivate collective action but it is not sufficient’ as economic conditions or market forces that are external to the workplace and beyond the control of the employer will result in no attribution towards the employer as an agency for either causing the problem or not ameliorating it (or both). An example (in a military context) is the observation by Gramsci (1971, p. 145) that,

A company would be capable of going for days without food because it could see that it was physically impossible for supplies to get through; but it would mutiny if a single meal was missed as a result of neglect or bureaucratism, etc.

However, consensus regarding the source of the problem does not follow automatically from agreement regarding the nature of the problem (Benford and Snow 2000, p. 616). Attribution therefore requires agency. Darlington (2009) suggests Mobilization Theory unites structural determination with deliberate agency or, as Kelly (1997, p. 407) attests,

The point is that structural factors create a more or less favourable environment for the collectivization of the workforce, but do not in and of themselves generate a sense of injustice or identity, those outcomes have to be constructed by activists and other opinion formers.

Darlington’s (2006, p. 501) re-evaluation of the agitator ‘theory’ of strikes supports the necessity of activists and opinion formers,

Within mobilization theory, Barker *et al* [2001] have offered an analytical framework for understanding the nature of leadership in collective activity: namely, as simultaneously a purposive activity and a relationship ... From this perspective, leadership is exercised not only by union activists or agitators but by all participants inside the workplace with views about union organization and activity who engage in ‘framing’ issues, translate grievances into a sense of injustice, blame management, assess opportunities and mobilize their fellow workers.

This framing of issues is analysed by Benford and Snow (2000) who identify three framing tasks in the process: diagnostic framing, prognostic framing, and motivational framing. Diagnostic framing is the process of identifying the problem and its attribution; prognostic framing is the formation of a proposed solution to the problem and, finally, motivational framing provides a ‘call to arms’ or the rationale for engaging in collective action (Benford and Snow 2000, p. 617). Klandermans (1984a) similarly identifies two tasks in framing; consensus mobilization, which is the act of convincing, and action mobilization, which is the act of activating,

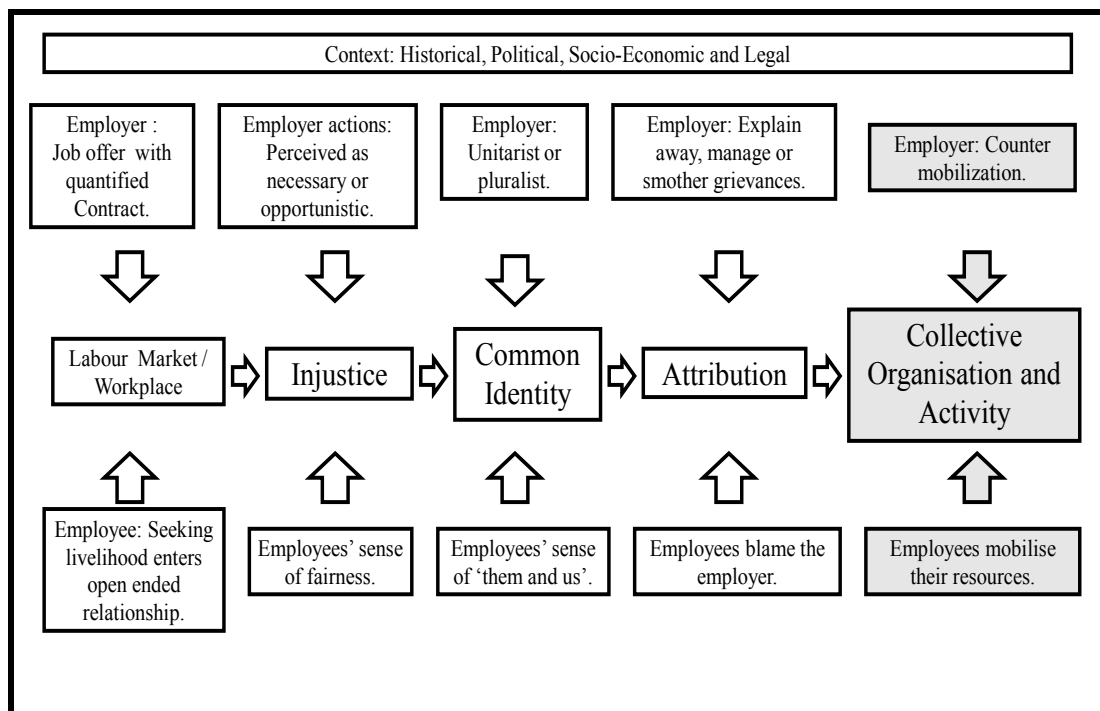


Simply put, the former fosters or facilitates agreement whereas the latter fosters action, moving people from the balcony to the barricades (Benford and Snow 2000, p. 615).

Gahan and Pekarek (2013) argue that the concept of framing has a long sociological history, citing for example Goffman (1974). However, it could be argued that it is the same as Gramsci's (1971, p. 238) critique of Trotsky,

who in one way or another can be considered the political theorist of frontal attack in a period in which it only leads to defeats.

Gramsci called this the 'war of manoeuvre' when what was needed first is a 'war of position' in the framing of popular support and mass politics (Gramsci, 1971, p. 238). To support his Mobilization Theory, Kelly (1998) cites Foster and Woolfson's (1986) research on the Upper Clyde Shipbuilders 1971-1972 'work-in' as an exemplary empirical example of leaders deliberate use of language and terminology in framing an issue to generate widespread support for collective action. The highlighting of an injustice which results in workers distinguishing themselves as separate to their employer and blaming the employer for the injustice, are required before commencing in any collective action against an employer (see shaded area in Figure 9).



**Figure 9. Collective Organization and Activity**

Source: Author

### **Collective Organization and Activity**

At this point, it is necessary to distinguish between collective action and industrial action, albeit recognising that the terms are not mutually exclusive. Kelly (2011, p. 23) states that,

One aim of mobilisation theory is to account for participation in various forms of collective action, including but not confined to, strikes. However the theory is less adequate in accounting for the choices made by actors among different forms of collective action.

Kelly (1998) acknowledges that studies on overtime bans, go-slows and works-to-rule are the exception, while other such actions such as petitions, lobbying are largely unexplored. In contrast, Kelly asserts that,

A focus on strikes is defensible on several grounds: we have time-series data back to 1888, as well as comparative data (though there are very difficult problems of comparability); ... (1998, p. 38).

Kelly (2011) gives examples of different forms of collective action, from workplace occupations, general strikes, to the abduction of senior managers (bossnappings). In relation to workplace occupations in Britain, Gall (2010) states that Kelly's (1998) Mobilization Theory is of use in identifying the different factors that prompt workers to engage in such sit-ins. Gall (2011) refers to Mobilization Theory's limited use in retrospectively explaining workers' decisions to engage in workplace occupations as opposed to the British far left's over reaching prediction of an upsurge in workers' collectivism arising from a few high profile sit-ins in 2009. This thesis likewise finds that Mobilization Theory can explain workers' decisions but not predict them.

In relation to workplace occupations, they are not protected against an employer's legal challenge regarding private property entitlements in the Courts<sup>26</sup>. The definition of collective action, as per the Industrial Relations Act 1990, Section 8 states that,

“industrial action” means any action which affects, or is likely to affect, the terms or conditions, whether express or implied, of a contract and which is taken by any number or body of workers acting in combination or under a common understanding as a means of compelling their employer, or to aid

<sup>26</sup> Larkin v Belfast Harbour Commissioners [1908] 2 I.R. 214. The Judiciary held that the words *at* work and *in* work while often used convertibly in common parlance but picketing *in* work compared to *at* work without the permission of the owner of the private property was not permitted by the Trade Disputes Act 1906. For a discussion on the Judiciary restrictively interpreting the law regarding trade unions see Chapter 4.

other workers in compelling their employer, to accept or not to accept terms or conditions of or affecting employment;

This deliberately wide definition would seem to include almost any action taken by a group of workers, such as signing a petition to get management to turn the heating on. Managerial pragmatism, however, restrains the employer from rushing to the Courts to get an injunction as the petition signatories did not comply with the secret balloting requirements of the Industrial Relations Act 1990. Just because employers have recourse to the Courts does not mean they will do so (Wallace and O’Sullivan, 2002). There is the consideration of costs, the time involved (sometimes years), and the unpredictability of a favourable outcome (Wallace *et al.*, 2013). Within the workplace, a work stoppage may not even be defined by management as a strike for various reasons such as internal corporate politics or hardening of attitudes exasperating the resolving of the dispute (Batstone *et al.*, 1978; Elgar and Simpson, 1993). The nuances of practical industrial relations are very much at odds with the legalistic doctrines of the court room. So, for the purpose of this thesis, *collective organization and activity* is defined as per the Industrial Relations Act 1990, but such is only considered industrial action if management state it is such and where this is not contested by either the workers involved or their union.

### Research Questions

This chapter attempts to show that Mobilization Theory’s various conceptual models (Kelly, 1998; Tilly, 1978), component vagueness (Furåker, 2005; Gall, 1999; Kaufman, 2018, Kelly, 2000), and contradictions in the literature (Table 2) are a source of confusion. However, Kelly’s definition of Mobilization Theory (1998, p. 44, 2015, p. 533) brings some clarity and is conceptualised in the model developed for this thesis (Figure 5). This conceptual model provides a lens for a study of workers’ mobilization within the Irish supermarket sector (title of thesis) and helped to form the following research questions,

1. *How and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?*

This research question is broken down into a number of subsidiary questions arising from the conceptual model (Figure 5):

- a. What are the main sources of injustice (if any) and employer exploitation as perceived by union members?*
- b. How does a sense of common identity develop among union members?*
- c. To whom and why do union members attribute blame?*
- d. What collective activity do trade union members engage in?*

### **Conclusion**

From a reading of the literature, this chapter outlined the basic features of industrial relations; inequality in labour market relations; asymmetrical managerial-worker relations due to the nature of the contract of employment; the indeterminacy of the commodification of labour that limits absolute managerial power; trade unions as a necessary response to the preceding discussions and the state's favouritism for capital over labour. This literature review provided a base for the introduction of Kelly's (1998) Mobilization Theory. The chapter then discussed the initial critique of Mobilization Theory. This was followed by my own critique of Mobilization Theory specifically and Social Movement Theory in general. Drawing on the wider features of industrial relations as outlined at the start of the chapter, these critiques were used to develop a new conceptual model for Mobilization Theory. This new conceptual model which focuses on *injustice; common identity; attribution and collective organization and activity* justified the rationale for the thesis' subsidiary questions, which will aid in answering the overall research question of how and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?

## CHAPTER 3, METHODOLOGY

### Introduction

This chapter discusses the philosophical assumptions regarding ontology and epistemology that underpin the methodology utilised in this thesis. This is followed by a discussion that due to my role as a union official, access to the two research sites was unproblematic but, as will be explained below, unavoidable. The unavoidable access to the data resulted in a variation of the standard dichotomy of participant/non-participant methodologies. This relative uniqueness raises the issue of bias and the methodological advantages and disadvantages of such acknowledged bias is then outlined. The chapter then justifies why semi-structured interviews, participant observation and document review were chosen as the main research methods. Other methods included informal interviews and informal focus groups and consequential ethical considerations are then deliberated. The final part of the chapter explains the analysis of the collected data, which is a thematic approach developed from the research sub questions in pursuit of the overall objective of ascertaining how and why workers collectively mobilize in response to perceptions of injustice and employer exploitation.

### Philosophical Assumption

With the various ontological and epistemological approaches available, a decision had to be made in selecting a research method that was consistent with a given philosophical assumption. Ontology, for example, can mean that knowledge of a social phenomenon is an independent entity of our observation. If so, this is described as a foundationalist ontological view (Marsh and Furlong, 2002; Marsh and Smith, 2001). On the other hand, an anti-foundationalist ontological position views the ‘real’ world as socially constructed (Marsh and Furlong, 2002; Marsh and Smith, 2001). For example,

Let me stress how important it is to understand that this vast neo-liberal experiment we are all being forced to live under has been created by people

with a purpose. Once you grasp this, once you understand that neo-liberalism is not a force like gravity but a totally artificial construct, you can also understand that what some people have created, other people can change (George, 2000, p. 29).

As Mobilization Theory focuses on the interpretation and framing of injustice, an anti-foundationalism ontology forms the basis of this thesis.

Epistemology, on the other hand, asks can an observer identify objective relations between social phenomena and, if so, how (Marsh and Furlong, 2002). If the observer has an anti-foundationalist ontology, in that the so-called 'real' world is socially constructed, then the researcher is interpreting the actions of individuals in response to these individuals' own interpretations of social constructed phenomena. This hermeneutic (or interpretivist) epistemological position contrasts with the opposite position of scientific (sometimes positivist) epistemology, in that the 'real' world can be objectively measured. As Mobilization Theory seeks to understand how collective phenomenon such as industrial action (even unofficial action) is socially constructed by activists' interpretation of a perceived injustice, an interpretivist epistemological position is used in this thesis.

With these philosophic underpinnings, a decision had to be made to use quantitative or qualitative methodologies or both. The history of social research and social research methods over the last 50 years suggests that there is a divide and heated debate between social researchers over the use of quantitative or qualitative approaches to collecting and analysing data (Matthews and Ross, 2010). This dichotomy is unhelpful, misleading, and false, however (Brannick and Coghlan, 2006; Royle, 2000; Tilly, 2004). Bryman (2005) depicts the quantitative/qualitative dichotomy as epistemological. Similarly, Trochim (2001) states that the divide is philosophical not methodological, in that quantitative researchers and qualitative researchers have different epistemological and ontological assumptions. For instance, many qualitative researchers ontologically assume reality is not a separate entity from our perceptions of it and many qualitative researchers epistemologically assume better understanding comes from allowing questions to develop as the research progresses, as opposed to using predetermined fixed questions.

Quantitative research is linked with the belief that research in social sciences can draw on the methods of the natural sciences, in particular the use of numbers to measure the relationship between ‘things’ (David and Sutton, 2004, p. 36). Quantitative data is closer to the ‘scientific ideal’ of research, in that in simple terms, the data can be measured, whereas qualitative data cannot (Gosling and Taylor, 2011, p. 48). This positivist epistemology holds that quantitative research is factual. It is nevertheless submitted that facts do not speak for themselves. ‘The facts, speak only’, according to Carr (1987, p. 11),

... when the historian [researcher] calls on them: it is he [or she] who decides to which facts to give the floor, and in what order or context.

Kelly (1998, p. 128) supports his Mobilization Theory in explaining fluctuations in worker collectivism using Kondratieff long waves,

The turning points between Kondratieff long waves in the economy appear to have coincided with historic high water marks of worker mobilization, measured in particular by strike rates and by surges in union membership.

However, Kelly (1998), citing research by Armstrong *et al*, (1977) acknowledges that such proxy measures are unreliable and possibly invalid. For example, if strike action was used as a measurement of union strength in Tesco and Dunnes between 1995 and 2015, over 193,000 days have been ‘lost’ in Dunnes but only approximately 10,000 were ‘lost’ in Tesco, yet the union is comparatively weaker in Dunnes than Tesco (Mandate, 2018; see Table 3).

**Table 3. Tesco and Dunnes strike statistics 1995-2015**

	<b>Number of National Strikes</b>	<b>Days ‘Lost’<sup>27</sup></b>	<b>Duration (Days)</b>	<b>Workers Involved</b>
Dunnes	3	199,000	28	13,148
Tesco	1	10,000	1	10,000

<sup>27</sup> In relation to the loaded term ‘lost’ see Hyman (1989b).

A further consideration in the choice of using quantitative or qualitative research is that the former usually enables a researcher to remain detached from the people they are studying and so the researcher's values have less potential to influence the research process (Gosling and Taylor, 2011). However, as I am researching my own members, such impartiality was beyond the remit of my function as their representative. My involvement in discussions at union meetings that frame issues in a particular way, in what Kelly (1998, p. 28) suggests, result in 'intensifying or moderating employees' sense of injustice', meant I could not remain detached. Consequently, the research developed into participant observation.

David and Sutton (2004, p. 36) maintain that qualitative research in the social sciences focuses on the relationships and actions of people as opposed to things. Similarly according to Kelly (1997b, p. 404; 1998, p. 25), the fulcrum of Mobilization Theory is how a subordinate group such as employees define their own interests and to what degree 'they believe their interests to be similar to, different from, or opposed to, those of the ruling group'. As qualitative research mostly focuses on '*how* people make sense of their settings and experiences' and '*why* people think and act as they do' (Kalof *et al.*, 2008, p. 80, emphasis in the original), it is submitted that a qualitative approach was best suited to the gathering of data, as the thesis is concerned with '*the us*'. Harkim (1987, p. 28) states that 'qualitative research offers the worm's eye view' of how people respond at micro-level to external social realities. Such responses to external social realities can be accepting their inevitability, re-defining them; seeking solace; 'fighting to break out of them or even change them', thus researching such responses requires a qualitative approach (Harkim, 1987, p. 28).

### **Gaining Access**

Unlike some other researchers, the choice of whether to adopt the role of internal or external researcher did not exist in this case. I was not an internal researcher because I did not belong to either of the companies under investigation, but I could not become a completely external researcher either, as I already had existing relationships with many, but not all, of the respondents. Although some impartiality was inevitably lost in this process, the nature of the research role undertaken was closer to the 'internal'



rather than the external and facilitated a quality and depth of data collection that an external researcher could not have acquired.

Whether I was an external or internal researcher, a decision had to be made to seek management's approval in each site to conduct the research. Watson (1987) notes that researching a workplace using concepts such as class, power, capitalism, and conflict may lead to the enterprise's owners and managers restricting access for the researcher, as management may consider that the research could raise potentially unsettling and difficult questions for management. As Mobilization Theory uses such concepts, it was envisaged that both research sites would restrict access.

Consequently, it was decided not to approach management for access for four reasons. Firstly, I didn't need to. As the research examined industrial relations from the employees' viewpoint, speaking to workers on their own time, about their own work-related interests meant management in each company were no longer potential gatekeepers. As a Mandate official, I had access to the names and contact details of those selected to request formal interviews. Similarly, in the course of my work, participant observation at union meetings was unavoidable as opposed to needing management permission (see below).

Secondly, this approach had the advantages in that it avoided management imposing restrictions in the direction of the research. In workplace settings, workers are often suspicious of researchers who have managerial approval, treating them like 'corporate spies' (Williams, 2006, p. 18; see also Ryan and Dundon, 2009).

The third reason for not approaching management was that with two case studies, permission would have to be sought from separate sets of gatekeepers and if only one research site's management gave permission for access, it could have led to an asymmetrical collection of data, which may have led to difficulties for subsequent analytic comparison. As Dunnes is said to have a culture of secrecy and a reputation for hostility towards trade unions (Archbold, 2006), it was anticipated that Dunnes management would withhold such permission.

The final reason for not approaching either employer for access was that neither could impose any terms in relation to the anonymity of their organization being studied. Any constraints regarding anonymity would have hampered the writing up of the thesis, especially chapters 5, 6, and 7.

The decision not to include management as data sources as opposed to gate keepers was based on two factors. Firstly, it was unlikely that managers would formally (or even informally) discuss with a union official (even as a researcher), potential worker mobilization and employer's counter-mobilization responses. Secondly, while the inclusion of managers as participants may have enhanced the research of Grugulis *et al.* (2011) or Smith and Elliot (2012) in relation to retail managers' work experiences, the focus of the thesis was on the perspectives of ordinary employees on the 'shop floor' and not on management perspectives. Vernon (2000, p. 9-10) states that in industrial relations case study research interviews are,

likely to be particularly fruitful in furthering knowledge of the substance of working life on the floor if (lower grade) employees are interviewed.

Of course, this automatic access places some limitations on the research design, in that I would be researching my own union members' perceptions of their employer (and union), and, therefore bias was a concern.

As I was not a complete external or internal researcher provided other advantages. Coghlan and Brannick (2005) state that a researcher taking notes (for example in a meeting) can not only draw attention to themselves but can potentially raise suspicions if no one else at the meeting is taking notes. However, data collection for this thesis was easily integrated into my daily work duties as this usually involves speaking with members at union meetings and it is normal for a union representative to take notes. During the formal interviews however, that were specifically organized for this thesis, the requirement to take some notes (and tape record) was explained to the interviewees during the arranging of the interview and at their commencement (see below).

**Bias**

May (2011) contends that in using interviews in social research, it is impossible for the researcher to be completely disengaged and that the production of untainted data is therefore something of a myth. Inevitably, this research is exposed to the danger of bias. Given the philosophical position taken in relation to ontological and epistemological assumptions mentioned above, and since I am a union official, it is further acknowledged that I may well be biased towards workers' opinions of certain situations than that of managements. Hyman (1989b, p. 165) notes that compared to academic research, which facilitates managerial agendas, it is considered,

academically somewhat disreputable to research into industrial conflict with the primary aim of assisting workers.

Kelly's (1998) Mobilization Theory nevertheless is described as 'an effective antidote to the employer supporting ideologies underpinning unitarism, pluralism and HRM...' (Rose, 2004, p. 30). Likewise, Kelly (1998, p. 4) states that Mobilization Theory,

...allows us to construct a set of research priorities that do not align the field of industrial relations with the economic and political priorities of employers and the state.

Given that Mobilization Theory derives from group identity, expressed by Dundon and Rollinson (2004, p. 25) as '*the us*' (workers) as opposed to '*the them*' (management), it is acknowledged that this research displays bias towards '*the us*'. Furthermore, since Kelly (1998, p. 64) contends that Mobilization Theory focuses 'on the processes by which employees acquire a *sense* of injustice' (emphasis added), it was determined that the research had to be conducted as part of '*the us*' at the expense of detached impartiality. Fantasia (1988, p. 251) observes that such partisanship may be necessary to facilitate research albeit at a cost of being 'frozen out' of other sources of data collection. However, excluding management's perceptions on the issues under investigation did not undermine the research as it was focused on workers' own sense of injustice (see Vernon, 2000 above).

Moreover, Nielsen and Repstad (1993) suggest that being close to the respondents and the organizations concerned helps to develop mutual trust between the researcher and interviewee. Due to his/her familiarity with the organization, someone who has regular contact with the organization and its members, the internal researcher, is better

positioned to probe for the richer data behind the first answers (Nielsen and Repstad, 1993). Advocates of the qualitative approach to research,

recommend that research is undertaken using methods such as semi-structured interviews, focus groups, observation and participation (Noon and Blyton, 2002, p. 14).

It is to the interview process I now turn.

### **Interviews**

In qualitative research, individual interviews are probably the most widely used method (Ritchie, 2003) and can be structured, semi-structured or unstructured (Bell, 2005; May, 2011; Rugg and Petre, 2007). In structured interviews, researchers try to manage the interview through prearranged questions and ‘thus ‘teach’ the respondent to reply in accordance with the interview schedule’ or standardisation (May, 2011, p. 132). The structured interview is like a questionnaire in which the questions are read out and answers filled in by the interviewer (Aldridge and Levine, 2001). Structured interviews are, according to Corbetta (2003, p. 269), probably the only example of a research instrument that attempts to meet the objectives of both quantitative and qualitative methods simultaneously but ‘of course, that neither is met fully’.

At the opposite end of the spectrum are unstructured interviews, where the interviewee is ‘encouraged to answer a question from their own point of view’ (May, 2011, p. 132). The unstructured interview is thus more like an ordinary conversation where the interviewer seeks insights into how the interviewee experienced particular events and their understandings of such events (Gosling and Taylor, 2011).

The semi-structured interview includes both standardisation and open-ended questions (Walliman, 2011) and ‘is perhaps the most common type of interview used in qualitative research’ (Dawson, 2002, p. 28; 2007, p. 29). The semi-structured interview is described as a ‘horses for courses’ approach by Gosling and Taylor (2011, p. 59) in that a mixture of structured questions are used to ascertain quantitative information and where open-ended questions are used to probe interviewees on their answers by seeking greater elaboration. Thus, this approach allows the researcher to gather factual information on age, sex, occupation and also facilitates the researcher

in entering into a conversation with the interviewee on themes deemed worthy (Gosling and Taylor, 2011).

In deciding to use semi-structured interviews, I was mindful that I needed to collect both quantitative and qualitative data, for example – how long have you been a shop steward/activist; can you give me details of any campaign started by members in your store to get management to do something or not do something? A further reason was, I needed the flexibility of semi-structured interviews as, anecdotally I was aware that not all the Tesco Shop Stewards and Dunnes Union Activists operate in an identical industrial relations environment (even within the same organization). For example, all the Tesco Shop Stewards were asked what facilities they had at work to discharge their duties as union representatives. Depending on the answer, a follow-on question was to enquire what the stewards thought would happen if Tesco management withdrew these facilities. As there are no such facilities in Dunnes, the Dunnes Union Activists were asked about such facilities only if they mentioned them in passing and again, depending on the answer, it was decided if this issue needed further probing or not. In accordance with Corbetta (2003), this approach allowed me to probe for greater understanding of themes that I deemed important, even if they had not been raised by other interviewees. The Tesco and Dunnes interview schedules are attached in Appendix 1 and Appendix 2 respectively. The questions were derived from the concepts identified in Figure 5: *injustice*, *common identity*, *attribution* and *collective organization and activity*. The concepts were used to explain the purpose of the study when seeking respondents to participate and were restated again in an informal manner before commencing the actual interviews. In accordance with deMarrais (2004), the interview schedule was designed to; use a mixture of short open and closed questions; avoid academic terminology and to seek out participants' recollection of their own experiences. Specific questions of a general kind—how long and in what roles has an interviewee worked in company, how many are employed in their store—were asked of all respondents to put them at ease. This also provided what Bryman and Bell, (2011, p. 475) call a 'facesheet', and was useful 'because such information is [and was] useful for contextualizing people's answers'.

Having decided to use semi-structured interviews as a research instrument, the next decision was the selection of interviewees. Mandate has categorised its activists in

various employments as: Shop Stewards, House Committee Members, Contacts, Communicators, and Witnesses. Table 4 shows a breakdown of such activists in Tesco and Dunnes.

**Table 4. Mandate activists in Tesco and Dunnes**

	<b>Dunnes</b>	<b>Tesco</b>
Shop Steward	111*	192
House Committee Member	126	245
Contact	131	64
Communicator	25	3
Witness	24	1
Safety Representative	2	26
Member Organizer	4	11
Forum Representative	N/A	42

Source: Mandate, 2018

N/B the figures are not totalled as a certain degree of overlap exists where some activists have more than one role.

\*Shop Stewards in Dunnes are in name only as they have no formal recognition.

As it was not feasible to conduct a census of this entire population which is known as census-taking (Bloor and Wood, 2006), a ‘sample’ was decided upon, though it is acknowledged that there is always a degree of inaccuracy to some extent with such samples (Kalof *et al.*, 2008, p. 42). Recognising that a sample is not intended to be statistically representative, I opted for ‘opportunistic sampling’, which involves ‘taking advantage of unforeseen opportunities as they arise during the course of fieldwork’ (Ritchie and Lewis, 2003, p. 81) to select potential participants. This approach had the advantage in that during the course of my work as a union official, the flexibility of opportunistic sampling allowed me to match events as they unfolded with my research.

### **Interviews at Tesco**

In the selection of Tesco stewards, I used purposive sampling. Purposive sampling deliberately selects participants in a strategic way (Bryman 2012; Matthews and Ross 2010). I had greater freedom in my range of selection here as fear (see below, Murphy, 2016) was not an issue. In order to maintain a balance of perspective, I attempted from

my own perceptions to select stewards on the basis of their preference to engaging with management across the spectrum from an adversarial to a partnership approach to industrial relations.

Formal interviews were conducted with 20 shop stewards (10 female and 10 male) working in counties Carlow, Dublin, Galway, Kildare, Mayo, Offaly, Sligo, Tipperary, Westmeath, and Wexford. The size of the workforces in the Tesco stores, in which those stewards worked ranged from 60 to 270 employees. Most interviews lasted just over 30 minutes, with some lasting over an hour. The stewards are referenced below as ‘Tesco Steward 1’, ‘Tesco Steward 2’ and so forth to protect individual anonymity. In addition two Mandate officials were interviewed in relation to the 2009 strike in Douglas, Cork (Officials 1 and 2). The length of service in Tesco of the stewards interviewed ranged from 6 to 34 years. Their ages spanned from mid-30s to mid-50s. The vast majority had worked in some other employment prior to Tesco. Only two stewards were active in unions prior to their employment in Tesco. Approximately 50 per cent left full-time education early (12 to 14 years old) and the remainder had sat the Leaving Certificate examination. Three stewards had third level diplomas (one in industrial relations), and two held bachelor degrees, one in hotel management and the second in sociology and politics. 18 of the stewards had attended trade union courses and had a positive impression of them. Their length of tenure as stewards ranged from 7 months to 25 years. 19 of the stewards were Mandate representatives and one was a SIPTU representative.

### **Interviews at Dunnes**

Fear is an underexplored concept in academic industrial relations and this fear can discourage individuals speaking out about workplace injustices (Murphy, 2016). I was not surprised then when initially, there was a reluctance among Dunnes Union Activists to agree to be interviewed. However, once I managed to persuade two or three, I was able to approach others and when I advised them that they were not the first, agreement was more forthcoming. In setting up the Dunnes interviews, I used a mixture of snowballing and purposive sampling. With snowballing, initial interviewees are asked to nominate someone for the next interview, usually a friend (May, 2011). A danger with this approach is its non-randomness, as the person

nominated may share the previous interviewee's perspectives and this may mitigate against generalisation (May, 2011; Walliman, 2011). In order to avoid this and to circumvent the initial fear, I also used purposive sampling. I deliberately approached 'strong' activists anticipating correctly that they would agree to be interviewed, as they were not afraid of Dunnes. Additionally, I selected ex-activists who had either recently resigned from Dunnes or were dismissed. The second reason for using purposive sampling was to maintain some balance in perspective, so I also targeted 'weaker' activists and activists in 'weaker' stores to explore why workers in their stores do not engage in collective action in response to perceived injustices attributed to Dunnes.

As mentioned above, the Dunnes interviews were less structured than the Tesco interviews. Formal interviews were conducted with 13 Dunnes Union Activists (12 female and one male), working in counties Dublin, Galway, Kilkenny, Limerick, Offaly, Roscommon, Waterford, and Westmeath. One activist who worked in Dunnes was interviewed after becoming a Mandate official. These activists were not sure how many employees worked in their shops, as one stated 'we would never be told those kind of things (Dunnes Union Activist 2). The activists' guesses ranged from 50 to 150 employees. Most interviews lasted just over 30 minutes, with two lasting 50 minutes. The activists' length of service ranged from 3 to 21 years. Only two activists had attended third level education, both studying computer technology. Three activists had attended training courses organized by Mandate. The length of time these activists held the position as 'shop stewards' ranged from 18 months to five years. The activists are reference in the thesis as 'Dunnes Union Activist 1', 'Dunnes Union Activist 2' and so forth to protect individual anonymity. Where Dunnes activist are cited but not subject to a formal interview, they are identified as 'Dunnes Union Activist A', 'Dunnes Union Activist B' and so on.

### **Document Review**

Not only had I access to my own work and research notes but, as a Mandate employee, I had access to Mandate correspondence with Tesco and Dunnes as a source of secondary data, including third parties such as the Labour Relations Commission (LRC now called the Workplace Relations Commission) and the Labour Court concerning both companies. A further source of secondary data was internal



correspondence and social media between Mandate and its members. With the constraints imposed by the overall word count permitted, these documents and sites are referenced in the bibliography as ‘Mandate, 2018’.

There is, however, the danger of bias in document analysis from two sources. First, the bias of the document’s author and, second, the bias of the researcher reading it (O’Leary, 2004). This raises ontological and epistemological issues and is often referred as the double hermeneutic, where the world is first interpreted by actors and then their interpretation is interpreted by the researcher (Marsh and Furlong, 2002), which was discussed at the start of this chapter.

### **Informal Focus Groups**

Focus groups or ‘group discussions’ (Ritchie and Lewis, 2003, p. 37) were a natural source of data collection as injustices arose in Tesco or Dunnes either at store or national level, members would attend union meetings to decide on the feasibility of a collective response. As my roles of researcher and union official were not mutually exclusive, these meetings provided me with what Ritchie and Lewis (2003, p. 37) attribute to focus groups as,

an opportunity to explore how people think and talk about a topic, how their ideas are shaped, generated or moderated through conversation with others. Because group discussions allow participants to hear from others, they provide an opportunity for reflection and refinement which can deepen respondents’ insights into their own circumstances, attitudes or behaviour.

A focus group is something like a group interview in one sense, in that a group of respondents can be interviewed at the same time. The participants can be asked to answer pre-prepared questions or the questioning format that can be flexible (Bell, 2005; Kalof *et al.*, 2008). If that was all that occurred, it would be a group interview resulting in a collection of individual data from each participant (Matthews and Ross, 2010). A focus group, in contrast, has a synergistic effect in that participants interact with each other in a discussion chaired by the focus group facilitator. This discussion can shed light on the respondent’s attitudes and behaviour, which would not otherwise materialise. I decided to use union meetings which I was chairing as informal focus groups. The main points raised in these discussions and any decisions made were recorded in my notes of the meetings.

In total, approximately 50 informal Focus Groups with employees and representatives in both sites were convened over the course of this research.

### **Participant Observation**

As participant status was unavoidable due to my role as a union official, such overlapping roles also comply with Coats (2005) and Reason and Bradbury's (2008) description of 'action research'. Action research, according to Coats (2005, p. 4), is 'any research into practice undertaken by those involved in that practice, with an aim to change and improve it'. Reason and Bradbury (2008, p. 4) contend that action research,

seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people, and more generally the flourishing of individual persons and their communities.

Claiming to engage in participant observation however, could be criticised in that I was not participating as an employee in either workplace. As Bell (2005, p.186) states, participant observation 'involves the researcher participating in the daily life of an individual, group or community'. If I happened to be a Tesco or Dunnes shop steward, the participant observation would have straddled both employee and union activist status. While this would have enabled the research to be conducted from an embedded viewpoint, at best it would be limited to one supermarket out of the 246 stores contemporaneously operated by Tesco and Dunnes. That said, it is submitted that my role as a union representative external to any of the 246 supermarkets covered by the study, enabled me to examine both sites in a more panoramic fashion. Additionally, participant observation in the form of action research did not conflict with my dual roles of researcher and union representative.

Junker (1960) lists a range of engagements: complete participant, observer as participant, participant as observer and complete observer. At one end of the spectrum according to Bhattacharjee (2012, p. 108-109),

the researcher is 'neutral and passive' ... [while at the other extreme] the researcher is an active participant in the phenomenon and her inputs or mere presence influence the phenomenon being studied (as in action research).

However, the role chosen depends *inter alia* on the insiders' willingness to be studied, and on the researcher's prior knowledge of or involvement in the insiders' world (Baker, 2006). A researcher with little or no prior knowledge of the research group may adopt the role of complete observer, while studying a group that the researcher is already a member of allows the researcher to adopt a complete participant role (Baker, 2006). The advantage with this method is that it reduces the likelihood of the 'Hawthorn Effect', where those being observed are aware of the research and thus alter their opinions and actions in response (Matthews and Ross, 2010). The minimisation of reactivity (Hawthorn Effect) comes at the cost that the researcher has to maintain their cover. Therefore, they have less freedom than a known researcher to conduct their research (Hammersley and Atkinson, 2007).

Complete observer is at the other extreme to complete participant and here the researcher attempts complete objectivity by not engaging (Matthews and Ross, 2010). Ideally, such would be accomplished by the use of one-way mirrors (May, 2011) or even invisibility (Matthews and Ross, 2010). However, the extremes of complete participant or complete observer were not suitable methods, as I was not a Tesco or Dunnes employee, nor could I refuse to participate in union meetings to maintain research objectivity.

Hammersley and Atkinson (2007) suggest that most field research involves roles somewhere between the two extremes of complete participant and complete observer. These are participant as observer and observer as participant. Matthews and Ross (2010) state that with the participant as observer, the researcher reveals both their presence and research function. While this avoids ethical issues, as the researcher is overt, it is subject to the Hawthorn Effect. On the other hand, the observer as participant, according to Baker (2006) is more observation than participation. This in principle, Matthews and Ross (2010) maintain, will increase the objectivity of the researcher as they distance themselves from the people being researched.

However, what is important according to Baker (2006) is that the researcher assumes a role that is appropriate and fluid and enables the researcher to observe intimately the everyday life of the insider. My presence at union meetings in my official capacity as a union official, permitted the necessary freedom to research the formation of a sense

of injustice, attribution and common identity without any reactivity due to my status as a part-time student. In the research for this thesis, I fluctuated between participant as observer and observer as participant.

### **Ethics**

Kalof *et al.* (2008), while acknowledging the questionable ethics of Humphreys' (1970) famous sociological study, state that sometimes 'it is necessary for the researcher to do participant rather than direct observation to gain access to a group or setting'. My participant research also raises ethical issues.

Regarding the process of using tape recorded interviews, the following procedure was adopted. The interviewees were first requested to agree to engage in a discussion on the research question. They were informed that with their permission, the discussion would be tape-recorded. The interviewees were also advised that the end product would be available to others within Mandate, to an outside academic institution – the National University of Ireland, Galway (NUIG) and the wider academic industrial relations community. In arranging the time, date, and venue for the interviews, the interviewees were again advised of these matters and solicited for any concerns they may have. Furthermore, should any of the selected interviewees have at that stage declined to continue, time was available to arrange alternative interviews with other interviewees. None, however, opted out of the process. At the commencement of the actual discussions, the interviewees were again advised that the discussion's purpose was to learn from their observations and understandings and needed to be tape-recorded for academic reasons. Finally, at the end of the discussion, the interviewees were asked if they wished to change or delete any of their responses. None chose this option.

While the above procedure was observed for the formal interviews, the informal focus groups were less conducive to such ethical standards. While I made no secret of the fact that I was pursuing the completion of the thesis, in any event, the arranging of the interviews would have highlighted my academic interests. However, it was not politically feasible as a union official to announce before every encounter with an individual or groups of Tesco or Dunnes members that 'I am researching for a PhD,

and anything you say I might use in my thesis'. This was of concern in my role as an *observer as participant* and particularly in using formal union meetings which I chaired as informal focus groups. However, Lune and Berg (2017, p. 57) note that,

the concept of voluntary participation in social science research is an important ideal, but ideals are not always attainable.

### **Analysis of the Data**

In selecting recorded interviews as a method of data collection, one disadvantage was the amount of time required as the recording would have to be transcribed – a lengthy process if done in full (Walliman, 2011). In the literature, different authors estimate the length of time needed to transcribe one hour of recording: Bell (2005) – four hours, May (2011) – eight or nine hours, Rugg and Petre (2007) – ten hours, and Fairclough (1992, p. 229) suggests it can take anything from 'six to twenty-hours or more' – daunting process for a full-time student, not to mention a part-time student working as a full-time union official. Historically, the literature on full-time union official's workloads shows many work extensive hours, including evening and weekend work (Clegg *et al.*, 1961; Hillery *et al.*, 1975; Kelly and Heery, 1989 and 1994; Paavo, 2006) and more recently it is acknowledged by Darlington and Upchurch (2012). This corresponds with my own experience. However, one advantage of my particular workload is the responsibility for a large geographical area and some national responsibilities that require regular meetings in Dublin. Hence, a lot of time is spent travelling in a car and, with new technology, it was possible to listen repeatedly to the interview recordings whilst driving. This had the advantage of capturing the changes in voice, stress, pausing, throat clearing, that the subsequent transcription could not capture. Nevertheless, the recordings were transcribed. The Tesco interviews were relatively more structured than the Dunnes interviews and thus were transcribed onto an excel document, which facilitated analysis. As the Dunnes interviews were relatively more unstructured due to the greater heterogeneity of the interviewees' union activity, these were transcribed individually onto word documents.

The findings were then analysed using thematic analysis, which is a qualitative research method whereby data are broken down into identified component parts, analysing for themes which are coded and given names (Braun and Clarke, 2006;

Bryman and Bell, 2011; Joffe and Yardley, 2003). Thematic analysis is chosen as it has proven utility in industrial relations qualitative research (see O’Sullivan and Royle, 2014; Roche and Gormley, 2017) and Mobilization Theory (Murphy and Turner, 2014; 2016; Simms and Dean, 2015). No specific software tools were used as the thesis is a social study and not a statistical one and according to Ely *et al*, (1997, p. 208), in qualitative research it is mistake to assume that themes ‘reside’ in the data, and if themes ‘reside’ anywhere, ‘they reside in our heads from our thinking about our data and creating links as we understand them’. The data therefore was thematically organized by identifying the aspects of Kelly’s (1998, p. 44; 2105, p. 533) definition of Mobilization Theory, that are incorporated into the conceptual model (Figure 5) developed in Chapter 2, that underpin the sub questions for this thesis: *injustice; common identity; attribution and collective organization and activity*.

### **Conclusion**

This chapter explained why an anti-foundationalism ontological and an interpretivist epistemological position was chosen, due to Mobilization Theory’s interpretation of socially constructed injustices. The chapter also outlined the unavoidable methodological advantages and disadvantages arising from my relative uniqueness in accessing the two research sites as a participant/non-participant observer. The advantages however outweighed the two main disadvantages of (i) acknowledged bias and (ii) inevitable ethical considerations. The choice of methods; semi-structured and informal interviews, participant observation, document review and informal focus groups was justified. The reason for selecting a thematic approach to data analysis using *injustice; common identity; attribution and collective organization and activity* as themes was rationalised in pursuit of the overall objective of the thesis in investigating how and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?

## CHAPTER 4, IRISH INDUSTRIAL RELATIONS

### Introduction

This chapter commences with a summary of (i) Irish unions historical struggle for existence; (ii) the reason for the absence of a left/right cleavage in Irish politics; (iii) socio-economic issues in Irish society; and (iv) the legal structure regarding Irish labour law, as all four shape Irish industrial relations. The main result of these forces for the purpose of this study, is the lack of statutory union recognition in Ireland. Attempts by unions, employers and the state to reach some agreement on the issue is then considered. This is followed by a discussion on the judiciary and how the courts can overturn legislation which was enacted to remove certain *injustices* arising from labour market inequalities. The chapter then highlights that individual employment law, whether well intended or not, is not a panacea for removing these labour market inequalities. The chapter finishes with some statistical information on the gender composition of workers in paid employment, ICTU, SIPTU, Mandate and union members in Tesco and Dunnes.

### The Historical Context of Irish Industrial Relations

The Irish industrial relations tradition, according to Kelly and Roche,

is for the most part a manifestation of a particular sequence of economic, social, political and industrial developments during the past two centuries (1983, p. 222).

As Ireland was part of the UK, the law (including labour law) as it evolved in the UK generally applied to Ireland up to 1921. Therefore, labour law in both jurisdictions shares a common history.

The French Revolution prompted the UK Government to enact anti-union legislation known as the Combination Acts of 1799 and 1800, because they saw all workers' organizations as a potential source of Jacobean revolution (Flanders, 1970; Wedderburn, 1986). Eventually, it was recognised that the Combination Acts were

counterproductive and their reform would be more useful in eliminating unions, in that freedom of combination would weaken the attraction of combination (Flanders, 1970: Wedderburn, 1986). The Combination Acts were removed by the Repeal Act of 1824 and its modification in 1825, which effectively concluded what Sidney and Beatrice Webb called the trade unions' struggle for existence ([1920] 1950, p. 64-112). Salamon (1998), however, has argued that it was not until the 1870s that there was real change in the legal status of unions as, post 1824 they could legally exist, but not legally pursue their objectives as it was a criminal offence to engage in a restraint of trade or could be seen as an act of conspiracy. The Trade Union Act of 1871 gave legal recognition to trade unions and the Conspiracy and Protection of Property Act of 1875 legalised collective bargaining and peaceful picketing. However, these Acts were restrictively interpreted by the judiciary culminating in the 1901 Taff Vale case, which effectively eroded the legal status of trade unions. The judiciary, in contravention of the legislators' intent, had often endeavoured to curtail union power, but the judicial effort backfired in 1906 when the unions secured greater immunity from judicial constraint with the passing of the Trades Disputes Act (Klarman, 1989). This concurs with Kelly's (1988, p. 243-244) assertion that the history of industrial relations law,

...can be read as an intra-class struggle between different branches of the state apparatus' in that trade unions sought legislation to protect them from the judiciary.

The passing of the Trade Disputes Act 1906 was described as 'a legislative coup of the greatest proportion for the trade union movement' (Kidner quoted in Kerr and Whyte, 1985, p. 249) in that 'the unions had gone from asking for equal treatment to demanding special consideration and getting it' (Klarman, 1989, p. 1601-2). This 1906 Act (even when read with the 1871 and 1875 Acts) however, conferred no positive rights for collective bargaining, strikes or peaceful picketing. Instead trade unions, when acting in contemplation or furtherance of a trade dispute were granted immunities<sup>28</sup> from common law doctrines such as conspiracy and restraint of trade (Kerr, 2005). This freedom *from* the law as opposed to freedom *to* have something provided by the law is a negative freedom as opposed to a positive right and when applied to industrial relations, is described by Gospel and Palmer (1993) as

<sup>28</sup> These immunities have attracted criticism, but the 'greatest legal immunity' is that granted to shareholders in the form of the status of a limited company (Wedderburn, 1986, p. 97).



voluntarism. This voluntarism would have major consequences in the conduct of industrial relations in the UK and post independent Ireland in the following century and is of particular interest when discussing one of the case studies in this thesis, Dunnes. Voluntarism in Irish labour law generally means there is no legal obligation on an employer to recognise a trade union and collective agreements are generally not legally binding (Doherty, 2014; Kerr and Whyte, 1985).

Historically, the major political parties in Ireland have seldom differed in their policies on industrial relations or fought elections on issues like labour market regulation or union power (O'Sullivan and Wallace, 2011; Roche, 1992; 2011; Wallace *et al*, 2013). Writing towards the close of the twentieth century, Roche and Turner (1994, p. 745) stated that,

The long-established legitimacy of trade unions in Irish economic, political and cultural life has yet to be seriously or trenchantly challenged by any Irish Government, political party or any strong body of employer opinion (Roche and Turner, 1994, p. 745).

Yet, writing two years earlier, Roche (1992) observed that the Federation of Irish Employers (FIE now IBEC) and the state body with responsibility for attracting inward investment, the Industrial Development Authority (IDA now IDA Ireland), were no longer encouraging incoming multinational companies to recognise unions. This demise of support for a pluralist approach to industrial relations relates to unitarism's rise from obscurity as discussed in Chapter 2 and is linked to Irish industrial relations with the 'recent revisions in the ideological and strategic positions of employers and the state' (Roche, 1992, p. 320-321).

Similar to Miliband's (1969) observation above that the capitalist state is more concerned with obtaining the confidence of capital than the confidence of labour, Collings *et al*, (2008) note the main political parties in Ireland, while apparently supportive of unions, will not let that support conflict with the attraction of foreign direct investment. As seen in Chapter 2, state non-intervention (voluntarism) on the side of capital in the labour market belies the state's pretence of neutrality in industrial relations.

### **The Political Context of Irish Industrial Relations**

In Ireland, politics remains shaped by the struggle for independence in the early 20<sup>th</sup> century: nationalism has overridden class politics (Hyman and Gumbrell-McCormick, 2010, p. 321).

With the Representation of the People Act 1918, the electorate was widened to all males aged over 21 and to females aged over 30 who owned property or were married to someone who did – the greatest extension of the franchise in Irish history (Sinnott, 1984). Sinnott (1984) continues that the Irish political system is a textbook example of the Lipset-Rokkan (1967) freezing hypothesis in that the parties that emerge around the period of universal suffrage will become mass parties and these political cleavages tend to remain frozen in place thereafter. Sinn Féin, which drew support from across the class spectrum, split over the constitutional status of the new Free State. The split and subsequent Civil War of 1922-1923 created a political cleavage which has dominated Irish politics to the present day, in place of the left-right ideological cleavage more typical of European party systems (Forster, 2015; Jacobs, 2005; Weeks, 2009).

The more moderate nationalist majority that accepted the treaty, Cumann na nGaedheal (now known as Fine Gael) defeated the minority anti-treaty block within Sinn Féin. However, ‘civil war politics’ in the long term, had split the electorate in the new state as per the Lipset-Rokkan (1967) *freezing hypothesis* and this mitigated against the development of class based Irish politics. The defeated minority formed a new political party called Fianna Fáil, which entered Dáil Éireann as a ‘slightly constitutional’ party and in 1932 formed the government. The Civil War parties, Fianna Fáil and Fine Gael, have continuously been in government since 1921 (either on their own or in coalition with others) and are largely indistinguishable on the left-right spectrum (Gallagher and Marsh, 2004; Meguid, 2008),

Both Fianna Fáil and Fine Gael have sought-and, to a greater or lesser degree, managed to sustain - working-class support for their policies. The main parties’ ‘catch-all’ approach to political mobilisation has meant that conflicts arising from the sphere of industrial relations have not been politicised in a visibly class-partisan way (Roche, 1992, p.321).

From 1932 until 2011, Fianna Fáil was the more dominant of the two parties and was in government (single party or in coalition) for 61 of those 79 years. The Labour Party is in the unenviable position of at best supporting a coalition government but never in

a position of leading a coalition government (Begg, 2014). It has been a junior party with Fine Gael seven times and Fianna Fáil once. Caught between the catch-all parties of Fine Gael and particularly the populist policies of Fianna Fáil, Labour has, since the 1930s moved to the centre to broaden its appeal beyond the working class and even within the working class. ‘To survive’, according to Hazelkorn (1989, p. 139) ‘the Labour Party moved to assert its nationalism, its anti-socialism and its Catholicism’.

Notwithstanding recent electoral growth of the left on the opposition benches, a split in Fianna Fáil would have the biggest impact on Irish industrial relations in the last 30 years. In 1985, a breakaway group from Fianna Fáil formed the Progressive Democrats (PDs), the most right-wing and pro-business political party in Ireland (O’Sullivan and Wallace, 2011) and won 14 seats in the 1987 election, becoming the third largest party that year. The PDs spent more time in coalition government between 1987 and 2011 than either the Labour Party or Fine Gael. Although the PDs subsequent vote percentage fell from the 1987 high of almost 12 per cent, they had considerable ideological influence way beyond their electoral support (Kirby, 2010) in that ‘they would colour coalitions with Fianna Fáil like a drop of ink in a glass of water (O’Connor, 2011, p. 245). Fianna Fáil, however, is not opposed to neoliberal policies as, whether in single party or coalition governments with the PDs, implemented low taxes, privatisation and other neo-liberal policies. (O’Sullivan and Wallace, 2011). However, the emergence of the PDs and the widening of the Irish political landscape to the right was noticed by trade union leaders when they entered the first social partnership talks with the Fianna Fáil government in 1987 (Baccaro, 2003; Puirseil, 2017; Roche 1992; Teague and Donaghey, 2015).

It is beyond the scope of this thesis to re-examine the entire social partnership period 1987-2008. Nevertheless, a few contradictions need mentioning. McDonough and Dundon (2010) show that despite a rise in incomes, inequality increased during the social partnership era. An increase in trade union membership occurred while, at the same time, union density in the private sector fell by more than fifty per cent (D’Art and Turner, 2011; Oireachtas, 2011; Roche, 2008). The Irish union movement exchanged substantial wage increases in an era of economic growth for personal tax reductions. This in turn created a low tax base that made the economy more dependent on foreign direct investment by multinationals that were hostile to trade unionism

(Curran and Quinn, 2012; Collings *et al*, 2008). At national level, a partnership model existed between the ICTU, IBEC (and other employer organizations) and the State, but at enterprise level, partnership between unions and employers was the exception rather than the rule (Dundon and Collings, 2011; Dobbins and Dundon, 2016). The former Chair of the Labour Court once described Irish industrial relations as ‘pluralist at the top and unitarist at the bottom’ (Duffy, 2004).

### **The Socio-Economic Context of Irish Industrial Relations**

Before turning to specific industrial relations legislation, it is necessary to set out the constitutional charter of the Irish State for two reasons; (i) the socio-economic factors as outlined in Chapter 2, the labour market, employment contracts, labour indeterminacy, trade unions, the state and their interactions are subject to the constitutional nature of the state; and (ii) the Irish Constitution ‘operates as a screen through which all common and statute law must pass’ (Redmond, 1999, p. 114). The three most significant political mass mobilizations in Ireland during nineteenth and early twentieth century were focused on religion, land, and nationalism (Bartolini, 2000; Lane and Ó Drisceoil, 2005; McCarthy, 2006), each of which unleashed socio-economic forces that have shaped the Irish Constitution,

The constitution, therefore, stresses the unifying elements of Irish political culture, which were patriarchal Catholicism, nationalism (the claim on the North), and, hardly surprisingly in a nation of peasant proprietors, property rights (Bew, 2007, p. 455).

By the 1930’s, Ireland’s Civil War hostilities between the pro and anti-treaty forces had yielded to Civil War animosities between Fine Gael and Fianna Fáil and class-based popular mobilizations and conflicts were reformist rather than revolutionary or Fascist reactionary (Girvin, 2002; Murray, 2016a). However, according to Browne (2013, p. 57),

The submission of the Jesuits [Catholic Church] to the constitutional drafting committee contained a section on promoting peace between the different social classes and the necessity to keep ‘in check’ the activities of agitators ‘who would sow disunion or discontent with the object of fermenting a destructive and unchristian class war’. It went on to suggest a (very) modest distribution of private property, an allowance for some property being held in public ownership, with a strong endorsement on ‘private ownership of productive property, as understood in Christian teaching’.

Therefore, the 1937 Constitution in furtherance of class-abatement and social cohesion, included some gesture towards socio-economic rights, but excluded others from legally binding commitments (Murray, 2016a). This concurs with Kelly's (1998) assertion that capitalist states maintain a contradictory position of promoting the mode of capital accumulation while legitimising this accumulation among its victims. For example, within the Irish industrial relations framework, the state has made some gesture towards socio-economic rights,

Over time, the state has tended to refine the extremes of laissez faire ideology and concede some trade union demands, so long as they are peacefully presented and pursued, constitutional and maintain due deference to property rights and industrial capitalism (Wallace *et al*, 2013, p. 12).

Such concessions sought by unions from the State would logically commence with a demand to exist and engage in collective bargaining. This legal status and freedom to collectively bargain implies that trade unions are completely separate from the State when the reality is that they are 'legalised' by it according to Clark (1985, p. 80) and he argues that,

The rights to organise and to bargain are only conceded by the state as long as they are practised in conformity with the political objectives of the state, as long as the "autonomous" social regulation of industrial relations plays its part in carrying out the policy of the state (ibid, 1985, p. 80).

The elevated status of property rights' deference over state concessions to trade unions is fundamental to Irish industrial relations. As the Constitution guarantees the *Right* of private property and the *Freedom* of assembly. The difference between a *Right* and a *Freedom* is according to Kerr (1998, p. 10), is a,

Constitutional Right is a claim which the law protects by imposing a correlative duty on others' [while a] 'Constitutional Freedom connotes the legal absence of legal constraints on the person who enjoys the freedom – [but] there is no correlative duty on anybody else.

MacFarlane (1981) distinguishes between negative rights or liberties and positive rights or liberties. As will be shown in greater detail below, the Constitution provides workers with a positive liberty or freedom to join a trade union and a negative freedom for employers so they can refuse to negotiate with a trade union. Philosophically, these freedoms are referred to as freedom *to* and freedom *from* (MacCallum, 2016; Miller,

2016; Solomon and Higgins, 2010) in that workers have the freedom *to* join a union and the employer has the freedom *from* recognising any union.

The academic distinction between rights and freedoms has been upheld within the court system,

In those few constitutional cases where the Irish Court has struck down social legislation, it has been broadly in defence of negative liberties [freedoms] or property rights. Special interest groups, including employers, landlords and farming associations, have successfully used the constitution to challenge state regulation of the market place (Murray, 2016b, p. 116).

Article 45.3.1 of the Constitution states ‘the state shall favour and, where necessary, supplement private initiative in industry and commerce’ (Government Publications, 2015, p. 180) and, according to Coughlan (1988, p. 142) this wording underlines,

...the capitalist character of the Irish economy, where public enterprise is seen as supplementary and subordinate to private endeavour.

Murphy (1998) concludes that the reason socio-economic rights were not protected to the same extent as constitutional property rights was that the state (judiciary and virtually all political parties in Government) are committed to the capitalist mode of production which tacitly incorporates inequalities,

Any movement to a situation where substantive economic rights were recognised and protected would have at least the potential to undermine, ideologically and perhaps practically as well, that mode of production (Murphy, 1998, p. 179).

### **The Legal Context of Irish Industrial Relations**

Legislation enacted by the Westminster Parliament prior to 1922 was incorporated into the new Irish Free State’s legislature, including the 1871, 1875, and 1906 Acts mentioned above. Therefore, the legal status of trade unions, voluntary collective bargaining and peaceful picketing continued in the new state. The 1871 and 1875 Acts are still on the Irish statute books, while the 1906 Act has been replaced with the Industrial Relations Act 1990, which maintains the principle of voluntarism. In addition to the statutory legal (positive) freedoms provided to trade union activity, the union movement in the new state gained some legitimacy for its involvement in the struggle for Irish independence (O’Connor, 2013; Roche and Turner, 1994).

This legitimacy was further enforced when the Irish Free State (which only became a Republic in 1948) enacted its current written Constitution in 1937. Cognisant of the difference between constitutional *rights* and *freedoms* mentioned above, Article 40.6.1° states,

The state guarantees liberty for the exercise of the following rights, subject to public order and morality: ... [T]he right of the citizens to form associations and unions (Government Publications, 2015, p. 160-162).

However, the subjection of these rights ‘to public order and morality’ is further enforced by the Constitution,

Laws, however, may be enacted for the regulation and control in the public interest of the exercise of the foregoing right (Government Publications, 2015, p. 160-162).

These provisions reinforce Wallace *et al*, (2013) and Clark’s (1985) above arguments, respectively asserting that the unions’ ‘right’ to organize and bargain must have due deference to property rights and conform to the State’s political objectives. This trumping of the right to organize by ‘public order’ and ‘public interest’ is the norm according to Lenin’s ([1918-1919] 1974, p. 244) observation,

There is not a single state, however democratic, which has no loopholes or reservations in its constitution guaranteeing the bourgeoisie the possibility of dispatching troops against the workers, of proclaiming martial law, and so forth, in case of a “violation of public order, ...”.

Regardless of these loopholes what immediately concerns us here is the interpretation of the Constitution. Constitutional law is no more immune to restrictive interpretation by the judiciary than Statute law enacted by Parliament. The judiciary since 1937 have interpreted the Constitutional freedom to associate as implying a Constitutional freedom to disassociate<sup>29</sup>. So, case law on the Constitutional implied freedom of disassociation means the Irish Government cannot enact laws that compel an employee to join a particular union<sup>30</sup>; a union to accept a particular applicant<sup>31</sup> or, more importantly, compel an employer to recognise a trade union for collective

<sup>29</sup> Educational Co of Ireland v Fitzpatrick (No 2) [1961] IR 345, National Union of Railwaymen v Sullivan [1947] IR 77.

<sup>30</sup> National Union of Railwaymen v Sullivan [1947] IR 7.

<sup>31</sup> Tierney v Amalgamated Society of Woodworkers (1959) I.R. 254.

bargaining purposes<sup>32</sup>. Therefore, Irish workers have a constitutional *freedom* to join a union but no *right* to insist their employer engage in collective bargaining<sup>33</sup> (Doherty, 2007b; 2013; 2014; Hendy, 2014). Wedderburn (1989, p. 16) states that this ‘is no more than a right to associate together, not a right to do anything at all in association’ or, as John Douglas (Mandate General Secretary) puts it ‘[I]t is like having the right to join a golf club but not being allowed play golf’ (Mandate, 2018).

So far, we have briefly looked at the development of the voluntarist system of Irish industrial relations or ‘collective laissez-faire’ (Kahn-Freund, 1959, p. 224). It has been argued nevertheless, that the Irish system is moving away from voluntarism in recent decades (Doherty, 2013; Kerr, 2005; Neal, 2003; Teague, 2009). There has been a substantial increase in legislative regulation of the employment relationship, for the most part due to the obligation to transpose EU Directives concerning employment law (D’Art *et al*, 2013; McDonough and Dundon, 2010; O’Sullivan *et al.*, 2015b).

Legislation that runs counter to the voluntarist model however, predates Ireland’s independence let alone EU membership. For example, the Truck Acts, the Factories Acts, the Munitions Acts and the Trade Boards Acts precede Irish independence. In the period from gaining independence to membership of the EU (1922-1973), the legislator enacted the Shop Hours (Drapery Trades Dublin) Act 1925, the Conditions of Employment Acts 1936 and 1944, the Shops (Conditions of Employment) Acts 1938 and 1942, the Redundancy Acts 1967 and 1971 and the Holidays (Employees) Acts 1939 and 1961.

Of particular interest to this thesis is the Whitley Committee, which was established in response to the 1913 Lockout, other class conflict throughout the (then) UK and the Russian Revolution of October 1917 (Barrow, 2002; Hendy, 2014)<sup>34</sup>. The Committee’s recommendations resulted in the Trade Boards Act 1918 which regulated working conditions where collective bargaining was weak or non-existent (Hendy,

<sup>32</sup> Abbot & Whelan v Irish Transport and General Workers’ Union and the Southern Health Board (1982) JISLL 56.

<sup>33</sup> For a criticism of the Irish courts ignoring Ireland’s obligations regarding the International Labour Organisation’s Conventions, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union see Cullinane and Dobbins, 2014; D’Art and Turner, 2007; Doherty, 2007a; 2013; 2014 and Hendy, 2014.

<sup>34</sup> The Whitley Committee was actually set up in 1916.



2014). The Trade Boards Act 1918 was transposed into the Free State's legislation in 1922, superseded by the Conditions of Employment Act 1936 and the Industrial Relations Act 1946. These statutes in effect provided that terms and conditions of employment in certain industries or sectors were to be set by collective bargaining and the outcome to be legally enforceable on employers who were not party to the negotiations. The 1946 Act renamed the Trades Boards as Joint Labour Committees (JLCs). These JLCs comprising of an equal number of worker and employer representatives could issue an Employment Regulation Order (ERO) which set legally enforceable minimum employment standards for all workers engaged in a particular activity within an industry. For example, a JLC for grocery was established in 1991 and until 2011 (discussed in detail below), all workers in the Irish grocery sector in both unionised and non-unionised grocery outlets had minimum terms and conditions set by collective bargaining. Overall, it is estimated that JLCs applied to between 9 and 25 per cent of all workers in Ireland (O'Sullivan and Wallace, 2011). In addition, the Industrial Relations Act 1946 (as amended) provided for Joint Industrial Councils (JICs) comprising of employee and employer representatives in an industry which could register a collective agreement (on a national or geographical basis) with the Labour Court and, once registered, it became legally enforceable. One such Registered Employment Agreement (REA) applied in the Dublin area, covered all workers employed in wholesale and retail of drapery. Dunnes, as an employer, was within the scope of this REA because of its drapery section and tended to apply its terms throughout its Irish operation, regardless of location or exclusively grocery outlets. The impact of the statutory outcomes in relation to EROs and REAs on Tesco and Dunnes are summarised in Table 5.

**Table 5. JLC EROs and JIC REAs in Tesco and Dunnes**

Body	Outcome	Scope	Employer
Joint Labour Committee (JLC).	Employment Regulation Order (ERO).	Retail, Grocery and Allied Trades nationally.	Dunnes & Tesco.
Joint Industrial Council (JIC).	Registered Employment Agreement (REA).	Dublin and Dún Laoghaire Drapery, Footwear and Allied Trades.	Dunnes.

Voluntarism, therefore, was not all pervasive as the retail trade had minimum labour standards set by collective bargaining with statutory enforcement. Individual shop assistants could not ‘voluntarily’ contract for lower terms on wages, overtime rates, Sunday and Public Holiday payments, rest breaks, annual holidays and work rosters. However, employers benefited as these minimum wages and the other terms removed labour costs from competition and provided predictability in that the terms were usually set for three years. Gospel and Palmer (1993, p. 81) note that such mechanisms,

enabled employers to protect managerial prerogative at the place of work and to externalise many aspects of industrial relations.

Employers were legally compelled to display the statutory terms on a notice board for their employees’ perusal. However, they could tell their employees that these ‘minimum’ rates were the ‘union rates’ so as to discourage any interest in unions within their non-union workplaces before a union ever heard of such interest.

In addition to JLC EROs and JIC REA’s, since 2001, unions in Ireland had another legal mechanism (in theory) for securing union set standards of employment in workplaces without union recognition. This was by using the Industrial Relations (Amendment) Act 2001.

### **An Irish Solution to an Irish Problem**

In 1998, ‘Dublin Airport was closed for the first time in its history’ when ‘thousands of SIPTU members engaged in an unofficial sympathetic strike’ in support of 39 baggage-handlers seeking trade union recognition in Ryanair (Yeates, 2001, p. ix). Though not the first union recognition strike of the decade, the return of the mass sympathetic strike to Irish industrial relations alarmed those who believed in social partnership. The contested issue of union recognition would have to be dealt with or the entire social partnership process could unravel or, as mentioned above by Kelly (1996, p. 88), ‘it’s difficult, if not impossible, to achieve a partnership with a party who would prefer that you didn’t exist’.

A ‘High Level Group’ established under the fourth social partnership agreement, Partnership 2000 (Cullinane and Dobbins, 2014, p. 55; Kerr, 2005, p. 11), made recommendations which resulted in the Industrial Relations (Amendment) Act, 2001 which was described as ‘an Irish solution to an Irish problem’ (Gibbons, 2014, p. 4). The phrase an ‘Irish solution to an Irish problem’ is shorthand for the capacity to entertain two conflicting thoughts simultaneously in a combination of ‘this is not happening here’ and ‘we’ll make provision for it anyway’ (Moane, 2002, p. 118). The Industrial Relations (Amendment) Act, 2001 was later amended by the Industrial Relations (Miscellaneous Provisions) Act 2004 which I henceforth use the abbreviation ‘IR Acts 2001-04’. Under the IR Acts 2001-04, unions could process disputes to the Labour Court on behalf of members in employments where union recognition was denied and ultimately the Labour Court could issue a legally binding determination that would take into account the terms and conditions of employment in unionised firms in the same industry (Sheehan, 2013). However, the IR Acts 2001-04 expressly prohibited the Labour Court from ruling that an employer engage in collective bargaining or grant union recognition. Additionally, the court could not investigate a dispute if the employer already engaged in collective bargaining as the legislation was so designed to leave existing voluntary arrangements unhindered by Labour Court determinations.

The advantages from a trade union perspective of the IR Acts 2001-04 as compared to the statutory union recognition procedures in the UK are summarised by Doherty (2013): there was no membership threshold requirements, so a union could initiate the process on behalf of a few members (or even one) in an otherwise non-unionised workforce, secondly, the unions’ agendas were not limited to pay, hours and holidays, for example *Mandate v Dunnes* DIR064 and LCR18469 (WRC, 2018) regarding canteen facilities in a store in Limerick. With the third advantage, Doherty (2013) paradoxically argues that the Irish process promotes voluntarism because if the parties cannot reach agreement themselves, the substantive outcomes can be imposed. Presumably the fact that the employer cannot be compelled to grant union recognition maintained voluntarism. Finally, in the era of national wage agreements 1987-2008 the Labour Court could determine that wages in the future would be adjusted in accordance with these agreements.

On the other hand, the IR Acts 2001-04 have been criticised for not delivering on union recognition (D'Art and Turner, 2003; 2011), but this criticism itself has been challenged by Cullinane and Dobbins (2014, p. 60),

Given that recognition was not part of the remit of [IR Acts 2001-04], it seems incongruous to describe it as failing on a standard it was not meant to deliver.

Gibbons' (2014; 2015a; 2015b) review from a union perspective states that the IR Acts 2001-04 were ineffective in providing for union recognition, could be of use in union organizing if used with other tactics and moderately successful in improving pay, terms and conditions of employment. In her own research on the long-term effectiveness of the IR Acts 2001-04 in the aftermath of all the Labour Court determinations, Gibbons (2015b, p. 477) concludes that the legislation is of some use as the 'last refuge of the powerless' but is not a substitute for 'union organization in the workplace'.

### **The Judiciary and the Legislators**

Kelly's (1988) assertion (above) that industrial relations law is historically an intra-class struggle between different branches of the State, as unions sought legislation to protect them from the judiciary. Nevertheless, it is my own assertion that constitutional law protects the judiciary from the legislature. The Irish Constitution expressly protects the judiciary in Article 35.2. which states that,

All judges shall be independent in the exercise of their judicial functions and subject only to this constitution and the law (Government Publications, 2015, p. 142).

Miliband (1969) argues that the judiciary in capitalist societies take upon themselves the duty to society of protecting private property rights against attempts by the legislator to limit such rights. The Irish judiciary however do not have to take any duty *upon themselves* as suggested by Miliband as they already have a constitutional duty under Article 43.1.2°, to strike down in whole or in part any law that is not compatible with,

The state accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property (Government Publications, 2015, p. 172).

To examine this further, we need to look at a trilogy of cases that have completely undermined several important aspects of the employment rights in the Irish system of industrial relations (Hendy, 2014). These three cases are Ryanair's constitutional challenge to the IR Acts 2001-04 in 2007<sup>35</sup>, John Grace Fried Chicken Limited's constitutional challenge to the JLC system in 2011,<sup>36</sup> and Benedict McGowan and other electrical contractor's constitutional challenge to the REA system in 2013<sup>37</sup>. All three challenges to the existing employment legislation were successful. Hendy, (2014, p. 1) states that,

It is a curiosity that the courts, no doubt unconsciously, have achieved in Ireland precisely the strategy which we will later find has been applied by the Troika [the European Commission, the European Central Bank and the International Monetary Fund] elsewhere in Europe.

In the Ryanair case, the Irish Municipal, Public and Civil Trade Union (IMPACT) had organized the airline pilots in Ryanair but failed to gain union recognition. Under the IR Acts 2001-04, IMPACT was successful before the Labour Court and in a Ryanair appeal to the High Court. However, on further appeal, the Supreme Court found in favour of Ryanair. The Supreme Court overturned the High Court decision in part because the Supreme Court determined that Ryanair's 'Employee Representative Committees' were not a failure because ... '[I]f they were not availed of they cannot have been a failure'. The Supreme Court also stated that the definition of 'collective bargaining' associated with trade union negotiations should not be imposed on non-unionised companies. The Supreme Court furthermore found issue with the Labour Court deciding on factual issues in dispute without any Ryanair pilot giving oral evidence or union members being identified by name. The requirement for individual union members to give oral evidence in future Labour Court hearings under the IR Acts 2001-04 opened the possibility of employers' counter-mobilization by victimisation and the legislation fell into disuse by the unions.

In the second case, the High Court, in 2011, accepted the fast food sector employers' argument that the JLC was unconstitutional because the Constitution provides that

<sup>35</sup> Ryanair v the Labour Court [2007] IESC 6.

<sup>36</sup> John Grace Fried Chicken Limited, John Grace and Quick Service Food Alliance Limited v The Catering Joint Labour Committee, the Labour Court, Ireland and the Attorney General [2011] IEHC 277.

<sup>37</sup> McGowan & Others v The Labour Court, Ireland and the. Attorney General [2013] IESC 21.

only Dáil Éireann has law making power and not the members of a JLC or the Labour Court (O’Sullivan and Royle, 2014). The court also determined that the catering ERO unlawfully interfered with the property rights of the plaintiffs. Turner and O’Sullivan (2013) calculate that this ruling affected women more so than men, as women were more than twice as likely to be working for pay rates determined by now deemed unconstitutional JLCs.

In the third case (McGowan), the Supreme Court in 2013 determined that the Industrial Relations Act 1946 was unconstitutional when setting REAs. Similar to the 2011 case, the Supreme Court held that the negotiating parties to a REA were in effect ‘law making’ and that was the sole prerogative of Dáil Éireann. The combined effect of these two judgements is that the statutory labour standards set by EROs or REAs pursuant to the Industrial Relations Act 1946 no longer exist. A residual aspect however is that individual employment contracts that incorporated specific terms of the EROs or REA’s cannot be altered unless agreed by both parties to the contract. However, new entrants to these workforces will not be covered by the now defunct EROs or REAs.

### **The Industrial Relations (Amendment) Acts 2012 and 2015**

The Industrial Relations (Amendment) Acts 2012 and 2015 (abbreviation: IR Acts 2012-15) are an attempt to address the unconstitutionality of the Industrial Relations Act 1946 wage setting mechanisms. However, at the behest of the Troika, the IR Acts 2012-15 shift the focus from a potentially wide scope of issues to a statutory setting mechanism limited to wages, sick pay, and pensions.

At the time of writing, only two ERO’s are in existence under the new legislation – contract cleaning and security. In relation to the Industrial Relations (Amendment) Act 2015 which attempts ‘fixing what Ryanair broke’ (Gibbons, 2015, p. 135) it is too early to critique the impact of this new legislation except to mention some of its significant features as noted by Doherty (2016) and Higgins (2016). Firstly, the new legislation widens the scope of comparable establishments to include non-union employments compared to the IR Acts 2001-04, which will benefit employers. Secondly, the union must make a ‘statutory declaration’ in court on the number of its

members in the employment and, for the case to proceed, such density must be significant. Thirdly, if an employer claims to ‘collectively bargain’ with non-unionised employees (a company union), the court must be satisfied that the employee body is independent from the employer and, lastly, there is enhanced protection from employer victimisation, and this brings us to individual employment law.

### **Individual Employment Law**

I now briefly examine individual employment law and its impact on workers’ willingness to mobilize collectively<sup>38</sup> and argue that this is a deliberate policy of the State. According to Kelly (1998, p. 35), collective solidarity can be undermined by counter-mobilizing arguments that any proposed collective action is illegitimate ‘because procedures for resolving disputes may not have been fully utilized’. The alternative to collective solidarity is reflected in Francis D. Murphy’s, a Supreme Court Justice, comment,

The position is now, ironically, that individuals have obtained as a result of the activities of their trade unions rights and protections which make it less important for them to depend upon the loyalty and solidarity which had been the hall mark of trade unionism (Murphy, 1999, foreword).

For example, Murphy’s (1989, p. 248) study of aggregate strike activity in the nine years before and after the introduction of the Unfair Dismissals Act in 1977 shows a significant drop in strikes due to dismissals (see Table 6).

**Table 6. Strikes re Dismissals 1968 to 1986**

	Changes in aggregate strike activity over dismissal and other issues in the nine years before and after 1977.		
<b>Measure</b>	<b>Strikes due Dismissal</b>	<b>Other Strikes</b>	<b>Dismissal as % of all Strikes</b>
<b>Number of Strikes</b>	- 35%	- 2%	- 30%
<b>Work-Days</b>	- 13%	+ 3%	- 15%
<b>Workers</b>	- 46%	+ 7%	- 43%

<sup>38</sup> The Industrial Relations Act 1990 (Section 9) removes the immunities for industrial action in individual cases unless all stages of agreed procedures are exhausted.

Forest (1980, p. 361) contends that this individualisation of ‘employment law is every bit as political as its collective counterpart’, and the individualisation of employment rights is a means of undermining trade unions (Visser, 2006). The trend that individualises the collective nature of industrial disputes, known as the juridification of industrial relations is, according to Clark (1985, p. 170) the state’s use of the law to ‘steer’ social and economic life in a particular direction and reduce the scope of collective bargaining. This juridification of industrial relations also causes workers to interact with employers as legal subjects as opposed to being members of a trade union (Currie and Teague, 2015). Such a development in Ireland has not gone unnoticed, with the General Secretary of SIPTU stating,

[t]he legal colonisation of industrial relations under the guise of championing individual rights is one of the great injustices of our time’ (O’Connor 2009, p. 37).

Therefore, the juridification of industrial relations by the proliferation of individual employment rights weakens the very collective organization that those individual rights depend upon. However, the notion of workers (regardless of union membership and collective strength or weakness) automatically in scope of statutory imposed employment protection is not an unqualified benefit for workers. Many unorganized workers are unaware of their legal rights (Murphy, 2016) and, even if they are aware that their rights have been breached, a worker may be reluctant to initiate a claim due to lack of representation (Dickens; 2008, Murphy, 2016) or retaliation by their employer (O’Sullivan *et al.*, 2015b). Dickens (2002, p. 619) notes that in the UK, the Conservative Government, from 1979 to 1997 ‘weakening of individual employment rights ... was achieved in part by weakening collective organization’. Brown *et al.* (2000, p. 627) state that ‘collective procedures are the custodians of individual rights’ as employer compliance with individual employment law is higher where there is union presence and conclude,

Building an effective framework of employment regulation around the individual employment relationship will require statutory support for collective representation.



**Gender Percentages as per Employment, ICTU and Mandate Membership**

As discussed in Chapter 3, management were not approached in either site for access to data regarding pay rates, gender ratios or details of terms and conditions of employment. However, in terms of female/male percentages, other sources were available. Working on CSO figures (2018) it was possible to compile the following figures as presented in Table 7 in terms of gender percentages of all persons in paid work (both full-time and part-time), overall sectoral categorising, and retail in general<sup>39</sup>

**Table 7. Gender Percentages in Full/Part-Time Work and Sector**

	Female	Male
<b>Paid Work</b>	46	54
<b>Full-Time</b>	40	60
<b>Part-Time</b>	69	31
<b>Agriculture, forestry and fishing</b>	14	86
<b>Industry</b>	21	79
<b>Services</b>	54	46
<b>Retail</b>	51	49

Source: CSO (2018) author's own calculations.

Table 7 shows that while males make up the majority of those in paid employment, females are statistically more than twice as likely to be in part-time employment. Of the three main sectors, females are in the minority in agriculture, forestry and fishing and industry and in the majority in services, however in the retail sub-sector the gender balance is almost 50-50.

In Ireland, there are 56 unions registered with the Registry of Friendly Societies under the Trade Union Act, 1871, 11 of whom are employer associations (Registry of Friendly Societies, 2018). As employers' associations must hold a negotiating licence under the Trade Union Act 1941 and are classed as unions the same way as workers' trade unions (Prondzynski and Richards, 1994). Unlike in mainland European

<sup>39</sup> As mentioned in Chapter 1, as per Regulation (EC) No 1893/2006, retail along with wholesale and the repair of motor vehicles and motorcycles are grouped together for statistical comparisons with other sub sectors.

countries, there is one single federation of unions in Ireland, the ICTU<sup>40</sup>. There are 44 unions affiliated to the ICTU, with a total membership of 527,048 (53 per cent female and 47 per cent male) in the Republic of Ireland (ICTU, 2017). The largest affiliated union is SIPTU with a Sothorn based membership of 173,000 (40 per cent female and 60 per cent male) and some of the smaller affiliated unions tend, in Turner's (1962, p.241) classification as discussed in Chapter 2, to be closed unions, such as the Veterinary Officers' Association with 76 female and 179 male members (ICTU, 2017). However, not all unions, such as the industrial union the NBRU are affiliated to the ICTU. Table 8 provides a breakdown in gender percentages for the ICTU (in the Republic), Mandate's total membership, and its membership in Tesco and Dunnes.

**Table 8. Gender percentage in ICTU, Mandate, (in Total, in Tesco and in Dunnes)**

	Female	Male
<b>ICTU ROI</b>	53	47
<b>Mandate</b>	70	30
<b>Tesco</b>	56	44
<b>Dunnes</b>	79	21

Source: ICTU (2017); Mandate, (2018).

## **Conclusion**

This chapter has described the historical, political, socio-economic and legal contextual forces that shape Irish industrial relations. This has provided the background to the vexed question of union recognition in Ireland. The chapter has shown that unions operating in Ireland, seeking a statutory recognition procedure are up against a unitarist mind-set of some employers' hostility to organized labour, a state that adapts, in a historical bequeathed voluntarist regime, a pluralist approach but only if politically expedient and a judiciary that is obliged to interpret legislation within a Constitution that is the product of two centuries of struggle over land, religion and nationalism, resulting a deference to capital accumulation. The chapter considered the shortcomings of individual employment law and shows it is a poor substitute to

<sup>40</sup> The ICTU is not in itself a registered trade union and therefore its participation in negotiating social partnership agreements on behalf of its affiliated unions from 1987 to 2008, arguably was unlawful under the Trade Union Act 1941 (see Kerr and Whyte, 1985).

## CHAPTER 4, IRISH INDUSTRIAL RELATIONS

workers collectively organizing in response to employer-initiated injustices. The chapter ends with some percentages in terms of gender for workers in paid employment and union membership in the ICTU, SIPTU, Mandate and some indication of the gender balance in both research sites. The next chapter, will focus on the first case study for this thesis, Tesco.

## CHAPTER 5, DATA FINDINGS – TESCO

### Introduction

This chapter commences with a brief look at the founding and growth of Tesco PLC and its approach to trade unions. It then provides an account of industrial relations in Tesco Ireland Ltd and particularly a collective agreement reached in 1996 on flexibility that has repercussions to this day, a strike in 2001 over pay, attempts at developing a partnership approach, and Tesco displaying formally a more unitarist ideology regarding its approach to industrial relations in recent years. This sets the scene for the remainder of the chapter which presents the data gathered in a thematic manner regarding *injustice*, *common identity*, *attribution* and *collective organization and activity*. This thematic approach will assist in answering the overall focus of the thesis; how and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?

### Tesco PLC – Background

In 1919, Jack Cohen set up his first market stall in London and eventually started selling his own brand of tea called Tesco (Bevan, 2006). Tesco Stores Limited was incorporated in 1932 and by 1938, it had 100 shops (Bevan, 2006). In 1995, Tesco PLC became the UK's largest food retailer (Haynes and Allen, 2000). Today, Tesco is the largest private sector employer in the UK (Geppert *et al*, 2014; Reuters, 2016). In the 1990s, Tesco expanded internationally by entering the retail markets in Hungary in 1994, Poland in 1995, the Czech Republic and Slovakia in 1996, Ireland in 1997, Thailand 1998 and Malaysia in 2002 (Tesco PLC, 2016). Tesco PLC is the world's fifth largest retailer (Zentes *et al.*, 2017), operating 6,902 stores, employing 482,152 and its group profit ranges around UK£162 million (Tesco PLC, 2016).

### Industrial Relations in Tesco PLC

In relation to industrial relations, Tesco PLC declared that it recognises ‘the right of our staff to join a recognised trade union where this is allowed within national law’ (Tesco PLC, 2007, p. 1). Tesco PLC (2011, p. 54) declared that ‘All our employees have the right to join a trade union and we believe it is very important that they are able to exercise this right’. Tesco PLC however, are not automatically willing to engage with trade unions for collective bargaining purposes. Tesco PLC’s annual reports (and other reports) state that Tesco engages the ‘involvement of trade unions in relevant markets’ (Tesco PLC 2014a; 2014b). Tesco does not specify what it means by *relevant markets*. In 2006, Tesco advertised for an Employee Relations Director in the London-based *Financial Times* to head its employee relations in its operations in the USA. The successful candidate according to the job advertisement would have,

Responsibility for management of employee relations; maintaining non-union status and union avoidance activities (Birchall, 2006, p. 1).

Tesco later claimed that the advertisement was an error and apologised (Compa, 2010). Nevertheless, Tesco PLC must have decided that the USA was not a *relevant market* for trade union *involvement*, as they did not grant union recognition to the main trade union in the US retail sector, the United Food and Commercial Workers (UFCW), before it withdrew from the USA in 2013 (Tesco PLC, 2014a). In fact, Tesco PLC adopted a similar position to a non-union approach in its operations in Thailand and Turkey (UFCW, 2008).

The attitude of Tesco PLC to unions therefore can be described more accurately as opportunistic rather than principled. For example, in the three financial years before its entry into the USA, Tesco PLC made financial contributions to USDAW in the UK (Tesco PLC 2004; 2005 and 2006) and currently has a ‘partnership agreement’ with USDAW, the largest collective bargaining agreement in the UK’s private service sector (Hain, 2015, p. 118). However, Tesco PLC also considered derecognising USDAW before opting for this ‘partnership agreement’ (Heery *et al.*, 2002; Kelly, 2004). Furthermore, Tesco PLC insisted that the partnership agreement would remove the requirement for a membership ballot, on any company proposals, regarding changes to pay levels (Haynes and Allen, 2001; Terry, 2003).

### **Industrial Relations in Tesco Ireland**

Tesco re-entered the Irish retail market in 1997 when it bought the supermarket groups, Crazy Prices, Lifestyle Sports, Stewarts and Quinnsnorth from Associated British Foods (ABF)/Powers' Supermarkets Ltd (PSL)<sup>41</sup>. Currently, Tesco Ireland has 142 stores and 13,000 employees (tescoireland.ie, 2018). It is the largest workforce in the Irish private sector (IRN, 2017). The Irish trade union representing workers in the retail sector, Mandate, represents staff in 137 Tesco stores and the general union SIPTU represents staff in the remaining five.

When Tesco re-entered the country in 1997, it inherited 42 different 'town' collective agreements<sup>42</sup> on terms and conditions of retail workers according to the Tesco stores' location. Additionally, the wage increases due under phases of National Wage Agreements had different implementation dates in each location. Exacerbating this complexity further was the fact that Tesco acquired a number of trading groups from ABF, and these particular workplaces had their own established industrial relations customs, practices and agreements, i.e. 'old Tesco' (see footnote 33), Crazy Prices, and Quinnsnorth. Furthermore, within individual workplaces, different categories of staff enjoyed different terms and conditions due to their length of service and many employees had 'side deals' they had made on an individual basis with their line managers. This complexity causes difficulty for both the company and the unions. The company would like to have one agreement with all employees, and the unions likewise. However, the company would like to achieve this by 'levelling down' conditions and the unions by 'levelling up' (Cousins in conversation with author, 2002). While both of these propositions are unrealistic without a major change in current bargaining power between the parties, this is discussed in further detail below.

### **Takeover**

Tesco's takeover of Quinnsnorth was greeted with panic by Irish politicians when it was announced. The then Minister for Enterprise and Employment, Richard Bruton,

<sup>41</sup> It is beyond the scope of this study to discuss Tesco's previous entry into the Irish retail market from 1978 to 1986 and concentrate on Tesco's re-entry in 1997 and subsequent years.

<sup>42</sup> Historically, on an annual basis in each town with unionised retail employments, the local union official, the Federated Union of Employers' (FUE now IBEC) official, local shop stewards and employers would negotiate a 'town agreement' that covered all retail outlets in that location.

met with Tesco's chief executive, Terry Leahy, in an attempt to secure assurances from the company in regard to the fate of Quinnsworth, its Irish-based suppliers and the future of its (then) 7,000 staff. The then Fianna Fáil deputy leader, Mary O'Rourke, called on the Government to use European law to extract promises from Tesco in relation to the protection of its workers and suppliers. However, the Transfer of Undertakings Directive (77/187/EEC) transposed by the Statutory Instrument No. 306 of 1980 did not apply as the sale was by way of a share takeover. Many of the staff only found out about the proposed takeover from the media.

The incorporation of the operations in Northern Ireland into the Tesco core UK business resulted in the closure of its northern headquarters and other units, which added to the anxiety of the southern workforce. Such concerns and the belief that Associated British Foods would profit from the sale of a business in which the workers had contributed to its value over many years, provoked a reaction among the workforce (Mandate, 2018).

### **Goodwill**

While media speculation in 1997 on the amount actually paid by Tesco to ABF ranged from UK£630 to UK£650 million (Frawley, 1997; Yeates, 1997), the workers argued they should have a share of this in the form of a 'goodwill' payment (Labour Court, 1997). However, the claim was rejected by the Labour Court. Mandate and SIPTU then balloted for industrial action while negotiations with Tesco continued. An agreement was reached that included increases in paid annual leave, a service increment and the creation of 400 full-time positions.

### **The 1996 Agreement**

Prior to Tesco's takeover, Mandate had concluded a nationwide collective agreement with Quinnsworth (Appendix 3). This paper will concentrate on this so-called '1996 Agreement' as this is applicable in 137 Mandate organized stores. A '1997 Agreement' applies in the five SIPTU stores.

The 1996 agreement permits the company to trade whatever hours it chooses, and to staff any extended trading in accordance with employees' contracts and relevant collective agreements. The existing employees at the time of the agreement did not have a liability to work Sundays or Public Holidays (a five over six contract). Henceforth, should they volunteer for such work, it would be remunerated at double time and Public Holidays would, in addition to double time, also attract statutory entitlements. New employees were to have a contractual liability to work three out of every four Sundays at time and a half (a five over seven contract). Public holiday working is also contractual and remunerated at time and a half, plus the statutory entitlement. Mandate negotiators disagreed with this pre-and post-1996 demarcation but, realising it was not possible to mobilize existing employees in the defence of new employees it conceded to the company's position. As Mobilization Theory requires a social identification of a 'them and us', the 'them' in this case was not management, but the new employees. This new workforce recruited after 1996 created a divide between Pre-1996 and Post-1996 workers that has continued to influence Tesco – Mandate industrial relations to this day.

### **The 1999 Agreement**

In 1999, as the majority of the Tesco workforce were on set hours under the 1996 agreement, pay rather than work flexible schedules was the issue that was prioritised by Mandate. An agreement was reached with Tesco in 1999 that reduced 42 different town pay scales down to two; one for cities and a second to apply elsewhere. Mandate had hoped to negotiate one national pay scale but was unable to achieve this at the time.

However, within weeks of the Tesco-Mandate agreement Dunnes, in December 1999 unilaterally implemented a new national pay scale across all its shops with just four increments, with most of them considerably higher than its Tesco counterpart (see Table 9).



**Table 9. Pay rates in Tesco (and Dunnes) 1999**

Year	Tesco City	Tesco Town	Dunnes Stores
1	€5.64	€5.59	€6.60
2	€5.99	€5.80	€7.62
3	€6.76	€6.29	€8.63
4	€7.28	€6.95	€9.52
5	€8.39	€7.87	
After 10 years	€8.48	€8.19	

So a Dunnes employee was earning more after just three years than a Tesco worker with 10 years' service, regardless of their location. The reaction this caused with Tesco's workforce was a sense of injustice that gave rise to Mandate serving a new claim on the company in June 2000 (Labour Court, 2001a).

### **The 2001 Strike**

The pay claim was referred to the LRC and then the Labour Court. The Labour Court recommended that both parties should engage in further talks (Labour Court, 2001a). However, in June 2001, Mandate decided to ballot for a strike as a response to perceived delaying tactics by Tesco. The LRC subsequently invited the parties back to a conciliation conference. Tesco made its final offer and Mandate confirmed it would ballot with a recommendation for rejection. For some unknown reason, Tesco would not put its offer formally in writing. The Tesco PLC-USDAW agreement that had eliminated such ballots (Haynes and Allen, 2000) in the UK in 1998, may have been an influencing factor. Without a company proposal in writing, Mandate balloted for strike and this was carried by a 93 per cent majority. The first on a number of planned one-day stoppages commenced on the 29th June 2001. The Labour Court then invited both sides to exploratory talks and subsequently issued proposals *in writing* (Labour Court, 2001b). When the members accepted the Labour Court's recommendation further strike action was called off. The agreement abolished the under-18 years sub rates and introduced one national pay scale regardless of location, which is detailed in Table 10 below.

**Table 10. Pay rates in Tesco (and Dunnes) 2001**

	<b>Tesco</b>	<b>Dunnes</b>
Point 1	€6.53	€6.60
Point 2	€6.86	€7.62
Point 3	€7.66	€8.63
Point 4	€8.23	€9.52
Point 5	€9.55	
LSI <sup>43</sup> 7 years' service	€9.65	
LSI 10 years' service	€9.93	

All parties realised that industrial relations in Tesco needed to be addressed. These views were also shared by State bodies. The National Centre for Partnership and Performance (NCP) observed that one in 90 Tesco employees were the subject a third-party referral (Molloy, 2005). Furthermore, despite national collective agreements and staff policies, industrial relations in Tesco at local level are also shaped by local styles of management. In 2004, the only explanation for the poor performance in one Tesco store out a group of four similar stores studied was due to the style of local management towards employees and this conclusion was strongly endorsed by Tesco Head Office (Dobbins, 2005a; Purcell, 2004).

### **Partnership**

Brown and Oxenbridge (2004) in their studies on partnership note a common theme is the appointment of a new head of HR that has a reputation for being able to do business with unions. Shortly after the 2001 strike, Tesco Ireland appointed a new HR manager who had developed a good relationship with Mandate as a senior HR manager of another British multiple operating in Ireland<sup>44</sup>. This new HR manager wished to develop a partnership relationship between Tesco and the unions.

<sup>43</sup> Long Service Increment.

<sup>44</sup> Paradoxically this same individual in 2006 was appointed as Employee Relations Director for Tesco PLC's USA operations with the tasks mentioned above by Birchall (2006, p. 1) of 'responsibility for management of employee relations; maintaining non-union status and union avoidance activities'.

Brown and Oxenbridge (2004) note that in the past, union recruitment was built on issues and conflicts in the workplace, but under a partnership approach, conflict is kept behind closed doors. Mandate had similar concerns that its profile would be reduced, even if it resolved issues. As shown in chapter 2, a lack of class consciousness mitigates against a class becoming a class for itself. Mandate officials were apprehensive that partnership would mitigate against its members becoming even a workforce for itself in that the company would be able to ‘soften up’ the union before embarking on an all-out war (own observation).

The deciding factor for Mandate in eventually accepting the new proposals was that they would operate in *addition* to and not as a *replacement* to the already established industrial relations procedures. While Dundon *et al.* (2003, p. 86) have erroneously claimed that ‘all industrial relations problems go through this committee’, it would never have got off the ground if Tesco had insisted upon this. As discussed in chapter 2, pluralism can either incorporate organized labour or it can actually strengthen it. So in the end, Mandate and Tesco agreed to a dual pluralism or a pluralistic pluralism in that the new partnership approach and established industrial relations procedures coexisted.

An agreement was reached on establishing a ‘steering group’ comprising of senior Tesco HR personnel, Mandate and SIPTU officials. The steering group subsequently appointed sub-groups to work on issues that frequently ended up in third parties and their conclusions were referred to the steering group which would in turn decide how to proceed

However, whereas some of the sub-groups were working well and in some instances had completed their task with agreement, the steering group began to wither away. Some issues were in abeyance, trapped between a sub-group upwards referral and a non-functioning steering group. Tesco senior management was advised of Mandate’s frustration and as no party had any immediate desire to return to the ‘old way’ it was decided to try a new approach.

The EU Information and Consultation Directive 2002/14/EC was to be the catalyst for this new approach as it was expected that the Directive would be transposed into Irish law by the Employees (Provision of Information and Consultation) Act in 2006. In June 2005, Tesco, Mandate, and SIPTU negotiated a new ‘partnership’ agreement that was described as ‘something of a landmark’ in Irish retail and seen as ‘best practice’ in employee consultation in Irish industrial relations more generally (Dobbins, 2005b: webpage). The agreement provided for company-union forums at store, regional and national level. If a matter could not be resolved at one level, then it was referred upwards to the next, and so on. In keeping the dual pluralism of the previous approach, the forum structure was in addition to the traditional industrial relations disputes procedure. The process got off to a good start but then began to falter. In 2014, a number of regional forums were cancelled by Tesco and Tesco informally began to disengage from the process and today it no longer exists.

### **1996 to 2006 Flexibility**

Historically, there had always been part-time work in the Irish retail sector but it expanded, especially from the mid-1990s onwards, with the extending of trading hours into late evenings, Sundays and Public Holidays. Tesco part-time workers were covered by the collective ‘town’ agreements referred to earlier and these provided for a contractual minimum of 18 hours per week, but many were frequently rostered for 39 hours a week. However, there was a financial incentive for Tesco to reduce a part-timer’s hours as they progressed up the incremental pay scale. In addition to this, Post-1996 ‘flexi’ contracts obliged workers to be available for a maximum of five days in any seven (five over seven contracts). Over time, the combined effect of part-timers’ flexibility on the amount of and scheduling of hours altered the power balance between the unions and the company, in favour of the latter. This arose because over the years the Post-1996 workforce increased both in absolute and relevant terms. Royle and Towers (2002) assert that the scheduling of rosters is a means for management to gain greater control over workers as management can allocate undesirable shifts to workers they do not like. This can also be done as a form of informal discipline – managements’ power to alter and cut rosters also acted as a disincentive for Post-1996 staff to assert their rights or raise grievances.

The union realised it had to do something to address this situation, but Tesco was unlikely to concede as the new and growing size of this flexible workforce suited the company from an operational, pay roll and a control perspective.

### The 2006 Agreement

In 2006, Tesco and Mandate agreed to a new pay scale for new employees (see Table 11) and the *quid pro quo* for Mandate was the introduction of ‘Banded Hours’ that limited hourly flexibility for Post-1996 staff to bands of 20 to 25, 25 to 30, 30 to 35 and 35 to 39 hours.

**Table 11. Pay rates in Tesco 2006**

Years of Service (Old Scale)	Old Scale 1/9/06	Old Scale 1/11/06	Months of Service (New Scale)	New Scale 1/11/06
Tesco 1 <sup>st</sup> Year	€8.17	€8.17	0-18 Months	€8.78
Tesco 2 <sup>nd</sup> Year	€8.57	€8.57	19-36 Months	€9.27
Tesco 3 <sup>rd</sup> Year	€9.55	€10.13	37 Plus Months	€10.95
Tesco 4 <sup>th</sup> Year	€10.23	€10.84	The National Minimum Wage at the time was €7.65 per hour (Dobbins 2006).	
Tesco 5 <sup>th</sup> Year	€11.86	€12.57		
Tesco 7 <sup>th</sup> Year	€11.98	€12.70		
Tesco 10th Year	€12.34	€13.08		

From 2006, Tesco and Mandate concluded other collective agreements specific to certain categories of workers such as chargehands, night crews and security officers. Nevertheless, Tesco and Mandate’s relationship has deteriorated over the years and Tesco is accused of union-busting with a plan called ‘Project Black’ and the issue was raised in the Dáil by Independent TD, Joan Collins,

Tesco’s union-busting activities are part of a broader plan known as Project Black, which was drawn up by a specialist international legal team called Eversheds. It aims to get rid of 1,200 of the most secure and well-paid jobs [the Pre-1996 workforce] in the company, critically undermining the union in the process (Oireachtas.ie, 2017a).

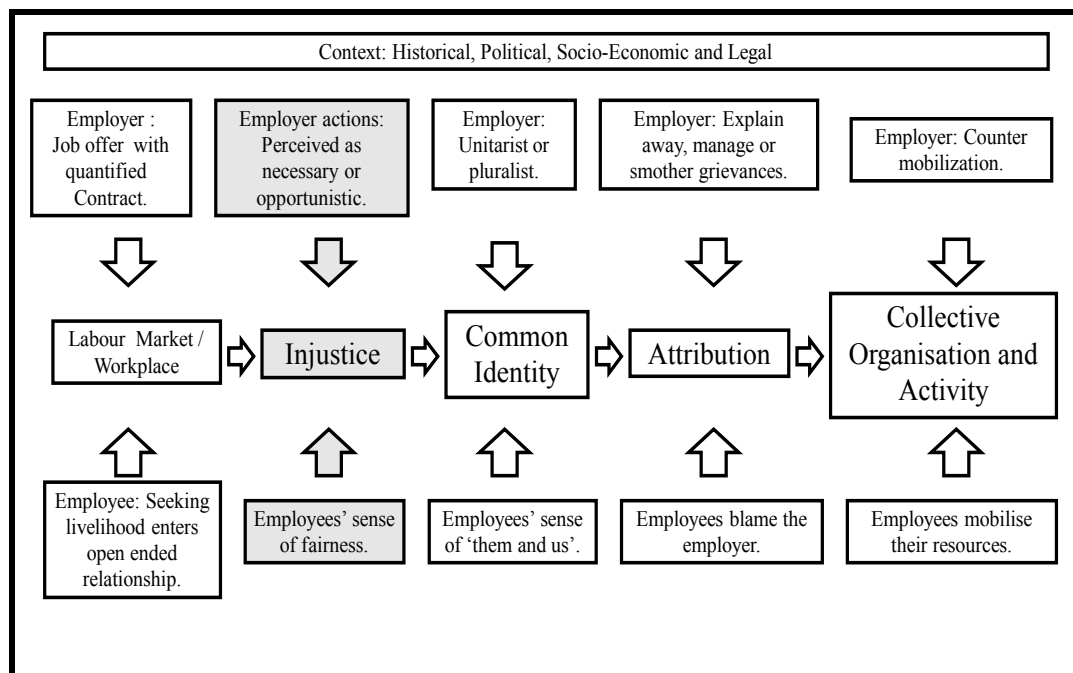
26 days later, People Before Profit (PBP) TD, Mick Barry, raised the issue in more detail,

I will calmly ask the Minister of State whether he has ever seen a more outrageous campaign of union busting than was witnessed at Tesco with Project Black – threatening to rip up the contracts of the longest serving workers without consent, banning union officials from the premises, union notices from notice boards and union meetings from company premises (Oireachtas.ie, 2017b).

The fieldwork research for this thesis in Tesco was completed prior to the development of Project Black. However, the data that was collected shows that industrial relations within Tesco have become more adversarial. It is to this I now turn, using the component parts of my conceptual model that informed the research sub questions.

### Tesco – Injustice

Concentrating on the shaded area of Figure 10, the thesis now reports on Tesco’s Shop Stewards’ sense of injustice regarding their employer’s actions.



**Figure 10. Tesco – Injustice**

Source: Author

Prior to 2017, the perception of Tesco shop stewards of the working relationship between management and workers in their stores ranged from poor to excellent, with

the majority stating it was ‘ok’ or ‘reasonable’. All Tesco stewards interviewed gave examples of staff grievances they dealt with, which indicates that conflict did exist in each store. The most common grievances were issues around staff rostering,

Management changing rosters and not [putting them] up one week in advance (Tesco Steward 1).

Unless you have worked in low pay and your life is dictated by your low wage packet you don’t understand that, the rostering is always used as a stick to beat people with. If you give lip, next week your hours are cut. (Tesco Steward 7).

In fairness, we have fairly good control in our shop ... We are all long serving [Pre- 1996]...the newer staff are bounced all over the place (Tesco Steward 2).

Management don’t listen to the staff, when you tell management that there is something wrong in a system they won’t listen or [they] laugh at you ... Then you have stock loss and then they [management] blame the staff for stock loss ... They [management] take ownership of your job away ... In the past if someone had a problem at home and wanted to reduce their hours you could do that, now it’s all “we [management] can’t guarantee your full-time job will be there when this is over”, they [management] want you to sign a new contract, everything now is a problem ... People having to wait for a Friday night to see what hours they are working next week, even Sunday, to me it is barbaric. To let people know what hours they are working in three weeks from now puts control back into the workplace, it’s a huge control thing they [management] want to dictate your life outside of the workplace... even in just organizing going to a parent teacher meeting you need control over your hours (Tesco Steward 6).

To drill further into the stewards’ perception of injustice, all interviewees were asked follow on questions as to what they would see as justice. Operationalisation of the concept of justice was not feasible, as this is a qualitative study (Sarantakos, 1998). Sensitising the concept of justice was instead used by examining the stewards’ opinions regarding having greater control over rostering and access to company financial figures.

In relation to greater control over hours, Tesco Steward 1 referred to the 2006 Agreement and the banded hours and felt that the extent of union control was sufficient. However, other stewards stated that the issue of control over hours depended on how assertive individual workers were,

Older stores have some say, new stores obviously you have newer people going in and they have to change, and management try to not let the union get a grip (Tesco Steward 5).

At the moment for a while Tesco weren't abiding by the rotas [agreements]. I think it is down to staff as well to follow up on that, if hours are changed ... some staff have their hours changed and they won't do anything ... some staff won't stick up for themselves (Tesco Steward 11).

Sometimes it is unfair as sometimes managers will take advantage of people. Like I have seen it with people that mightn't be as strong and not able to speak up for themselves and they get messed around with holidays and all that. You have to be able to speak up for yourself. There should be a fairer system put in. Because, at the moment if you are able to speak up you will get it before someone else (Tesco Steward 17).

To examine the concept of justice by sensitising (Sarantakos, 1998) injustice in the rostering of hours for those workers on flexible contracts, stewards were asked if greater worker control over rosters was an aspiration. Some stewards couldn't see this as a feasible solution,

No I don't agree with that ... if you had workers doing what they want, you are going to get into trouble, you have to have rules there ... you can't run a shop like that, we have to protect the shop to protect jobs (Tesco Steward 3).

Because I do agree you have to accept you are contracted for work, they are the pay masters at the end of the day, you have to respect the boundaries and be fair and equal about it (Tesco Steward 8).

No I don't think it should change, the reasons the rosters are done the way they are is to help run the business ... if people could pick there would be no control (Tesco Steward 13).

The system they [management] have going because of the amount of people that are working with its ok, if everybody could go when they wanted, you would have war ... it would be a terrible place to work in (Tesco Steward 4).

Of note here is that stewards 3, 4, 8, and 13 are all Pre-1996 and work in stores that have long serving staff where the union has what Steward 5 describes as 'a grip'. The main focus of grievances for Stewards 3, 4, 8, and 13 was the issue of pay and conditions.



Sensitising the concept (Sarantakos, 1998) of justice regarding greater access to Tesco accounts and financial information first needs to be placed in context. Friedman's (1970, p. 51) remark that 'the social responsibility of business is to increase its profits' is put more forceful in Marxist terms by Kelly (1998, p. 85) that profit is 'the ultimate motor of capitalist activity'. However, Tesco PLC Annual Reports do not provide a breakdown on profits in the countries in which it operates. Tesco Ireland does not disclose to staff or their representatives the profitability of their own stores. In 2009, *The Irish Times* ran with a front page article headlined as, 'Tesco makes much higher profit margin in Ireland, plan shows',

Supermarket giant Tesco's profit margins in the Republic are significantly higher than in the rest of the company, according to a confidential draft business plan seen by the *Irish Times*. The document reveals that Tesco Ireland's profit margin, which has long been a closely-guarded secret, was 9.3 per cent last year and is projected to rise to 9.5 per cent this year. This compares with a margin of under 6 per cent in its parent company (Cullen, 2009, p. 1).

When questioned on this issue, the majority of stewards were in agreement that Tesco should be more transparent with their accounts with only one expressing satisfaction with the *status quo* and another steward having a more ambivalent attitude,

I would say they are enough, we get what we want here in the store, I don't see how further you could go with that (Tesco Steward 9).

Don't know even if they [workers] would have an interest in it. Yea I suppose it could work ... We could see how [named store location] is doing compared to other stores (Tesco Steward 4).

While only one steward referred to the wider public interest in Tesco's finances, two stewards specifically linked greater financial transparency to industrial relations,

Yes I think they [the accounts] should be open, if I had my way they would be open to the public, their profits are colossal (Tesco Steward 10).

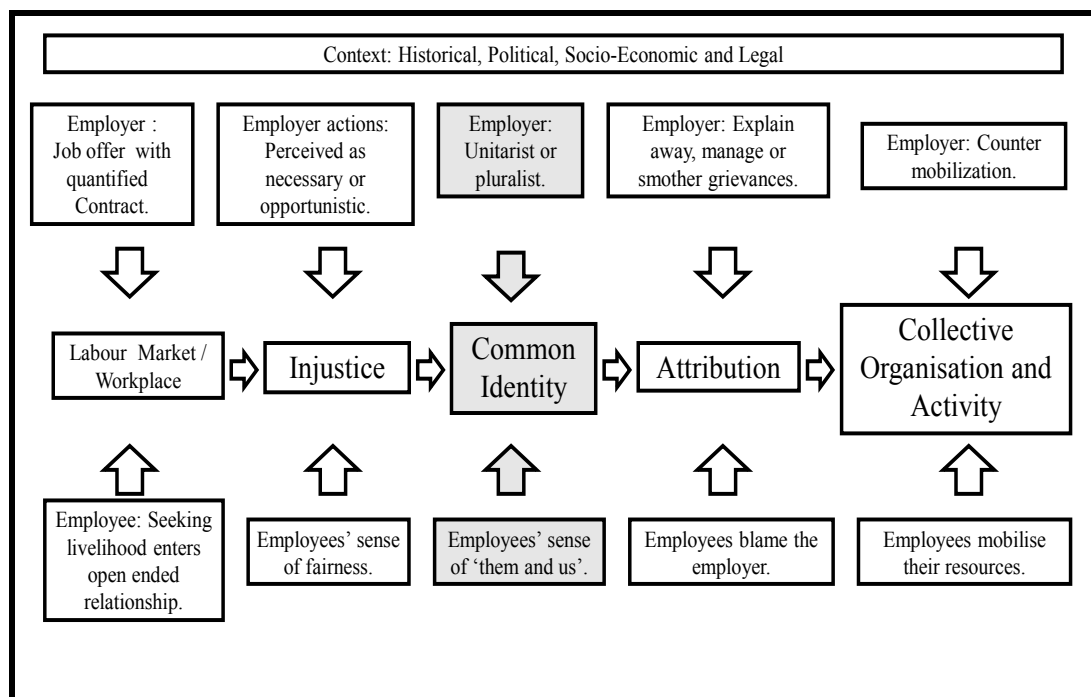
Yeah because the company is making money and they are using things to their advantage. I think the fairer thing is to disclose them [accounts] and that gives us an opportunity to fight. Like you are doing well what are you doing chopping peoples' work, lowering the terms and conditions (Tesco Steward 16).

Yes, because it is common knowledge that on the company notice boards, they used to list the wages on the company steering wheel [pie chart to measure targets on sales, waste, theft and absenteeism] They used to list wages and they have stopped doing that. Because people like myself every week used to write

them down and notice that they are going down and down and the sales in the shops were going up and up and in pay negotiations or in negotiations about pay negotiations we don't know where we are going and, as we found out lately they have been lying through their teeth to us (Tesco Steward 18).

Of interest here is the fact that access to Tesco's accounts was more of an issue in the latter interviews and informal focus groups and this is expanded upon in more detail below regarding *attribution*. Meanwhile and in summary, the Tesco stewards' perceptions of injustice were focused on rostering of hours in newer shops with larger proportions of Post-1996 employees, with pay being the main issue in stores with longer serving workforces. Greater control over rostering where it is an issue was hampered by individual staff not raising grievances for fear of subtle retribution from management. Cox *et al's*, (2007, p. 722) findings, that issues over hours of work and rostering are more individualistic than collective issues over pay leads us to the union activists in Tesco framing a sense of common identity (shaded area Figure 11).

### Tesco – Common Identity



**Figure 11. Tesco – Common Identity**

Source: Author

Superficially at least, the attitude of most Tesco management (until the advent of Project Black) could arguably be described as pluralist; for example, any conflict that emerged was channelled into the traditional industrial relations grievance procedure or store forum structures. However, such a description could not be applied in absolute terms for the following reason. Tesco Ireland had to adopt a more pluralist approach to its industrial relations as the supermarket groups it purchased in 1997 from ABF were already unionised (see above). However, Tesco management has attempted to adopt a more unitarist approach in stores that were opened after these acquisitions. As Tesco Steward 3 (an incumbent of various union positions at national level) states,

Wouldn't say they are afraid but they [management] do try and get away with things, everybody is going to try and test what they can get away with.

Tesco Steward 4 gave an example of where management can adopt different approaches even within the same store,

If they found a weak link they [management] would probably cut the bands [hours], put people in for holidays they didn't ask for ... I would imagine they would chance it if they thought they would get away it, nights would be a good example ... [where] they are getting away with it ... there is no one there [on nights] with a union head on them to stand up to management.

This approach also fits with Tesco PLC's international approach to unions as opportunistic rather than principled. In response to the question do you think Tesco are respectful/concerned / afraid of the union, one steward replied,

They [management] are concerned, particularly in older stores, not so much the new stores unless you have a strong person [union activists] (Tesco Steward 5).

Another steward, in response to the same question viewed Tesco behaviour as more pragmatic than ideological,

They [management] know in the real world that they [union] are a force they have to deal with (Tesco Steward 6).

A response to the question, 'Do you think Tesco respect you as a shop steward', adds further light on Tesco's attitude to the union,

Yes and no ... I couldn't give a definite answer, yes when I am around, they are nice to me, they talk to me, but when I'm not there they chance their arm with rotas and hours, they chance their arm and they hope that myself or the house committee don't find out (Tesco Steward 10).

The data demonstrates that Tesco will chance their hand, depending on how strong the union is in a store or section of the store. This occurs particularly in the absence of an assertive steward, described as someone ‘with a union head’ (Tesco Steward 4) or ‘a strong person’ (Tesco Steward 5) to take on a leadership role in response to management’s opportunism.

The other side of *common identity* is the workers’ sense of ‘them and us’. The common identity of Tesco workers (the ‘us’) is not a foregone conclusion as the following statement demonstrates in relation to age, part-time status and nationalities,

Yeah, ... again I don’t want to sound ageist, but the young people just want shillings in their pockets and go out [socialising] and the job is secondary ... it’s just a means to an end. Then you have people doing short hours just come in, don’t eat or talk to others in the canteen and just go home. And the older crowd are just a clique and all hang out together. And then you have the foreign nationals mostly on night crew and you can have four or five nationalities on the night crew so they find it hard to communicate with each other even if they go on their breaks at the same time, I have gone in on nights and I have seen the two Nigerian girls sitting on their own and the Irish and Polish workers in their little cliques (Tesco Steward 6).

Another fracture in workforce’s common identity is the issue of Pre- and Post-1996 status,

Because of the people that worked for Quinnsworth and kept their precious Pre-1996 terms, there is a divide and if you came after 1996 you are a second class citizen. In some stores it is very much alive (Tesco Steward 7).

Tesco Steward 1 asserts that apathy can be a source of division, as ‘a lot of members don’t realise they are in a union’, while another steward explained how they deal with anti-union members,

Some people [members] will quit [the union] at the drop of a hat, there are a few people in my shop who are anti-union ... but if you have to go out and talk to people and get people involved, it fosters a greater sense of solidarity. I try and tell people that they are the union not the steward or the official (Tesco Steward 18).

Gender was identified as another fault line, but only by one steward,

Yeah, o Jesus yea, ... the stronger groups would be the counters [cooked and uncooked meat, bakery and fish departments] where all the lads are, the weaker groups and I hate to say this, are where the women are ... we give them a lot of support but they don’t stand up for themselves (Tesco Steward 2).

Local management were identified as trying to undermine the union, for example,

We actually only had that the other day ... he [manager] throws the blame on us [union activists] ... he says to people on checkouts what's your union doing about that or this now ... he is trying to turn the staff against us ... he claims we are not representing the staff properly ... he put up posters that they [the members] can go to him and he would sort them out ... but when I asked staff what did they think about the posters, they said they laughed and I said well keep laughing and that's all we can do until we can sort it out ... he is trying to undermine us and saying we are only there for ourselves (Tesco Steward 3).

One manager made a comment about a union badge worn by a worker, "that badge doesn't pay your wages". ... [But] people kept wearing them as that's the reason we have wages, because of that badge (Tesco Steward 14).

However, when workers interests are threatened by a perceived injustice, a greater sense of common identity can result,

Yeah, there was a divide between newer staff and longer serving staff, but lately we are all fighting for the same thing now ... even at our recent meeting the night shift which is mostly foreign nationals turned up, as before they would say it doesn't affect them, but now people know that these things can affect everybody at the end of the day you know (Tesco Steward 13).

The Polish in our store didn't come to the meeting ... we got the figures of how many we were in the shop, how many Pre-96, how many Post-96 and we figured we didn't need them [the Polish] if we went out [on strike]. That's the way we look at things, I know it is terrible but we made a big effort to bring them on board. They [the Polish] were the first to give to the collection [for Tesco workers on strike]. We misunderstood them and miscommunication because most of them work at night, which wouldn't give them much of an opportunity to see us. We offered them another meeting so they could come, we don't want to make them outcasts. So, we try and tell them what is going on ... we are all Tesco workers at the end of the day. It is not Pre-96 or part time, or Irish – it's everybody (Tesco Steward 14).

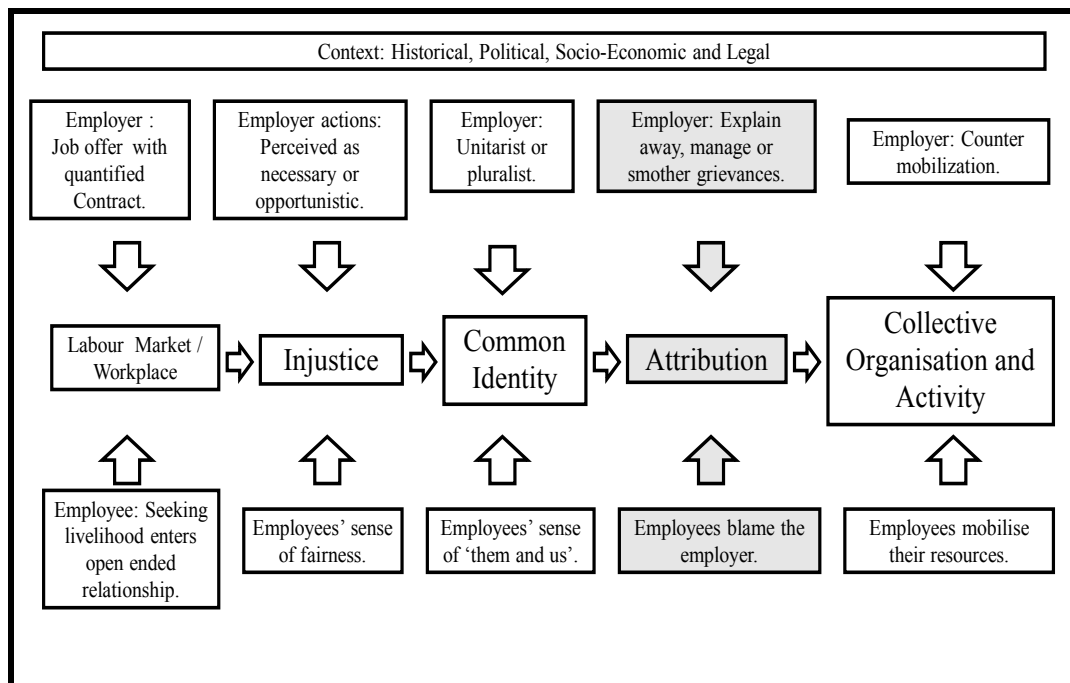
A lot of the non-nationals [sic] it had to be explained to them about [the strike in] Cork and the far-reaching implications. I suppose up to that they were a bit blasé (Tesco Steward 15).

I don't think so. Everybody has worked together for years. They [management] have already tried to pit the Pre-96 against the Post-96 people in the cutting of hours and that didn't work. The Polish now, a few weeks ago they threatened to join a different union. I think [names union official] was talking to them and got them back on side ... it was the Irish Workers Union [Independent Workers Union] or something like that. [Names official] went in and got the lads on board, one of them on the house committee so they know exactly what the

union is doing and that. So now they are on board and it has made them closer to everybody else (Tesco Steward 16).

In summary, Tesco's management have and will try to undermine union influence with newer staff by pushing back the boundary of pluralism in an opportunistic fashion but so far when Tesco workers have been made aware of this by shop stewards or more active union members, a greater sense of common identity occurs. This facilitates the focus on attribution (see shaded area of Figure 12).

### Tesco – Attribution



**Figure 12. Tesco – Attribution**

Source: Author

Arising from Tesco's opportunistic approach to limiting union influence, most shop stewards, prior to 2017, tended to attribute blame to individual managers as opposed to the company as a whole. One steward went as far as to say that it was local management that was attempting to create a 'them and us' and the in-store union representatives would call in regional management to resolve it (Tesco Steward 7).

Tesco Steward 15 articulated the link between a local store manager's behaviour and employee's earnings,

[Names store manager] is impacting on the sales of the shop and that is impacting on the earning power of the members.

Tesco Steward 16 stated that,

the store manager we have at the moment, his whole attitude, the way he talks to people, the way he shouts at people, we should be able to get in [names two senior Tesco managers] and let them know how he [store manager] speaks to staff.

Another steward attributed the attitude of local managers to a more structural than agency reason,

Quinnsworth and for a while Tesco used to assign a manager and you could build up a rapport. In the last few years Tesco have been bouncing managers and P.M.s [personnel managers] and I don't mean to sound ageist, but they have very young people in these roles and they keep moving them around ... Because of that, you can't build up a rapport and they keep changing things that the last manager did and it's all turmoil. I think store managers are sent in with an agenda to knock back the union as much as possible (Tesco Steward 6).

The practicalities of building rapport with a revolving management structure were similarly expressed by Tesco Steward 8,

In the main it is reasonably good, but that can change with a change of management team and it takes a period of time for both sides to establish trust.

As the fieldwork research for this chapter was conducted over a number of years which witnessed the Irish and global economies enter recession, the attitudes of Tesco stewards altered in response to Tesco's reactions to the changing economic environment. Up until approximately January 2009, the main grievances of shop stewards and workers were store specific and attributed generally to individual store management. Since that time, the main focus of the stewards and workers is towards the company as a whole,

They [management] will tell you they think an awful lot of them [the workers], but if you look at the wages you would see the opposite and what they [management] are doing at the moment cutting hours and all that. I think it, the company is themselves first and we [the workers] come last, I would say (Tesco Steward 11).

I think the person at the top [Names Tesco manager] is a bit of a bully boy, thinks he can railroad his way in and do what he likes but he hasn't met the Irish yet has he? (Tesco Steward 13).

Very strained lately as you know, never been so strained. Terrible atmosphere as people are insecure now (Tesco Steward 18).

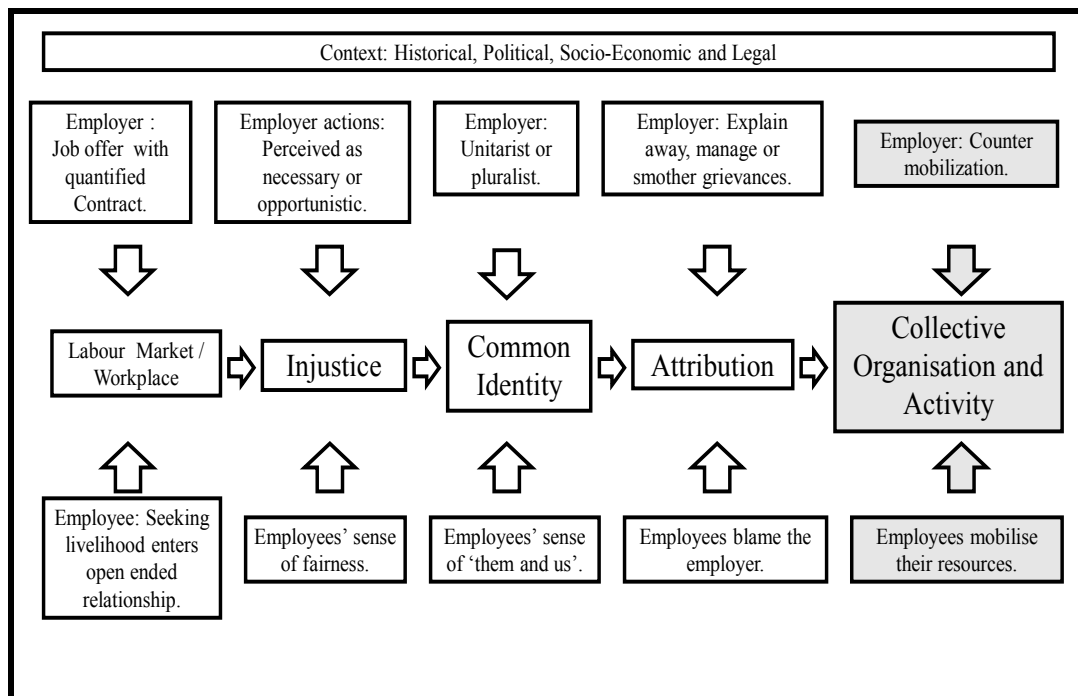
We seem to be heading in that direction [collective action] at the moment John, because the cutting of hours we have at the moment and all that. We feel that it is gone below the levels altogether and a lot of pressure is being put on staff and we are not too far away from that [collective action] (Tesco Steward 11).

As Tesco were unable to explain away their attack on terms and conditions of their employees' contracts and accepted custom and practices, this resulted in the focus of attribution moving away from individual managers and on to the company as a whole. To a lesser extent, the issue of Tesco's profits became more prominent as the attribution shifted from store to company level.

### **Tesco – Collective Organization and Activity**

As shown above some Post-1996 part-time workers are fearful of raising an individual grievance as management may cut their hours and thus their earnings. This section now examines collective grievances and if unresolved does this lead to collective organization and activity (shaded area Figure 13).





**Figure 13. Tesco – Collective Organization and Activity**

Source: Author

On the issue of collective action regarding a strike, some Tesco shop stewards stated that employees expressed the fear that a protracted strike might be self-defeating and might therefore influence a ballot for a strike,

Low paid workforce wouldn't be able to sustain being out of work ...wouldn't have any great bank reserves (Tesco Steward 1).

The wages are so low, you are not going to get them going out [on strike] on a social issue (Tesco Steward 7).

There is people with families, and because we are classed as the low paid ... like you take 100 euro or pounds at the time out of someone's wages, that's the mortgage, ... of course people are going to sit back and wonder if they can afford it, especially if there is only one bread earner in the family ... if there's two, you can work around that, but with one [bread winner] you have responsibilities and I respect people who say it straight out, say it straight (Tesco Steward 3).

However, the opposite may also be the case, although low pay is a disincentive for retail workers to take collective action one steward in effect concurring with Klandermans (1984a, 1984b, 1986 and 2002) costs-benefits analysis stated that,

But then there is the fear that if you don't do anything you would be walked on too ...the costs and the risks of not going on strike are high as well (Tesco Steward 17).

As seen above, Tesco's *counter-mobilization* practices to thwart potential collective action by undermining a sense of common identity included treating new employees and new stores differently than established stores. Some stewards articulated how they attempt to mitigate this management tactic,

Think Tesco will give something to the lower paid but long-term people will suffer the consequences as it will not be a good long-term deal for them and I think Tesco study this very carefully. It is very hard as a 40 something year old to tell a 20-year-old about long-term things when they are only interested in how much they will have on a Saturday ... (Tesco Steward 7).

Divide and conquer ... as in with new staff ... the first thing we do when new staff come in is tell them who we are and what we do ...I think they [management] are nice to some people and nasty to others, Tesco are sneaky in how they operate (Tesco Steward 10).

An excellent empirical example of this divide and conquer tactic and how and why workers mobilized their collective resources is illustrated by the events that occurred at the Tesco store in Douglas, Cork in 2009, which had consequences for relations between workers, unions, and Tesco management at the national level. In April 2009, Tesco sought to transfer all 80 staff from the Douglas store to a new store. However, as part of the transfer, there was an attempt to undermine the terms and conditions of the Pre-1996 staff. Tesco stated in a press statement,

We regret that a small number of existing members of staff have failed to reach agreed terms on the move to the new store. The issue relates to historical 'guaranteed' overtime levels which are no longer appropriate in the new store. ... Staff members who do not have this historical overtime have all been facilitated in the new store on the basis of their previous working patterns and basic rates of pay (*Irish Examiner*, 2009).

One Mandate official dealing with the dispute gave his appraisal of the company's actions in this regard,

... they believed if they could isolate seven (Pre-1996 workers) in Douglas then that would be the catalyst to be able to do that across the country and in fairness to them, they didn't hide their fucking light behind a bushel, they made it very clear what they wanted (Official 2).

Of immediate concern for Mandate was how to respond to the company's intentions. Agreeing with the company's position was never an option so only two options

remained; the first was to refer the matter to the LRC or, secondly, ballot for industrial action. The former was ruled out because Tesco would secure a *fait accompli* for the workers concerned, as Tesco hand delivered letters to the seven Pre-1996 employees and gave them four days to respond or else the company would,

... assume that you [the worker] do not wish to avail of an opportunity to continue your career with Tesco Ireland and we will then proceed on the basis that your position will become redundant on the 30 April 2009 (Mandate, 2018).

The second option to ballot for strike was not without risks. As the majority of the staff were not affected to the same degree as ‘the seven’, there was no guarantee that the majority would support a strike ballot.

Tesco issued the other 73 staff members with a ‘letter of comfort’ stating that their contracts would be honoured in the new store. The letters were questionable because if Tesco were not honouring existing written contracts and agreements, what guarantee was there with the comfort letters? When the ballot for industrial action was conducted, the majority voted in favour of strike. Tesco then held one-to-one meetings with Post-1996 staff. Union official 1 states that what Tesco then did was an attempt to reduce the effectiveness of the picket line and ultimately the strike,

So, what Douglas [Tesco local management] said was if you look tired don’t come in tomorrow to the picket line, what you should do is ring in here to the store, ring in sick and we’ll pay you to stay out sick. Which is a complete breach of their own policies and procedures around attendance at work. There were different kinds of reaction, there was shock, fear, mostly anger and then that backfired hugely because then people took stock of what we [the union] said to them and made them realise [that Tesco was] bullying and [using a] dirty tricks campaign and, they saw it for what it was.

In relation to union leadership before and during the strike in Douglas, Official 2 suggests that,

I think that the official on the ground, ... she had a very clear leadership role, what she did was she managed to convince the workers in Douglas of the merits of the campaign itself and of sticking behind their colleagues who were now under pressure and saying “if you tolerate this – you’ll be next” [union slogan used during the dispute]. .... She could not have done that had she not had people within that particular employment. There is one guy there, [names union activist], one of the shop stewards, who has huge impact.

While the dispute superficially was about one store, the union was of the view it had national implications and thus the rest of its members needed to be mobilized. A national shop stewards' meeting was held the day after the Douglas strike ballot count and the initial reaction of the stewards was for an immediate ballot for a nationwide strike. However, the formal leadership of the union was opposed to this and persuaded the meeting the advantage of a staged escalation of the dispute,

The first thing was, the campaign itself was strategically developed to gain maximum impact against the company. That was done at central level and that needed to be done at central level for control purposes, because we needed to control what was happening out there and the union needed to maintain control over the actions of the collective (Official 2).

We wouldn't throw everything at them from day one. We would incrementally up the ante on them on a step-by-step basis. So, a huge factor of this dispute was the embarrassment factor for the company. And I don't mean the embarrassment factor in any small sense of the word. The first thing that went out [nationally] was the leaflet giving information about the campaign and asking people to support it. The second thing that went out was the petition. ... When the petition went out, that generated a huge amount of activity ... coming back was that the company was saying you can't do that, you're not allowed to do that on the shop floor... What that did was generated even more of a response from the members as a lot of them ... actually went out on their breaks to the front of the stores, ... and actually canvassed the shopping centres that they were working in and got people signed up. ... I know of people who took the petitions at night to their bar or whatever and had their friends and family sign the petitions. So, it generated a real sense of we'll show them, we'll fucking deliver a message to them loud and clear. The company's approach to that was you won't do it on our time. But, actually, I think that really backfired on the company hugely on the petition side of things (Official 2).

The company's arguably opportunistic approach and its attempts to discourage workers from other stores being actively and collectively involved in reaction to the petition really did backfire, as the following quotes from shop stewards suggests,

We had a meeting in the canteen recently in relation to Douglas and we expected 20 or 30 to turn up, the fucking place was jammed packed (Tesco Steward 13).

There two weeks ago we weren't allowed give out the petitions. So, we decided ourselves to have a meeting. It was the biggest amount of people ever I've seen at a meeting ... there was over one hundred people (Tesco Steward 14).

But I would have to say now, yeah [in relation to solidarity] especially over the Douglas thing, people were prepared to support any action that was taken by the trade union (Steward 18).

When 10,648 petition signatures were received in less than four days in support of the Tesco workers in Douglas and one day of strike action, which was due to escalate to two days the following week, the company agreed to attend third party discussions with no pre-conditions attached. At the Labour Court, the company argued it,

offered a very generous compensation package to those affected ... and that it is not unusual for companies to revisit historical agreements. (Labour Court, 2009, p. 2-3).

The union argued that Tesco's position is based purely on opportunism to break contracts of employment in the pursuit of even greater profits. The Labour Court recommended that both parties meet to discuss a range of outstanding issues including transfers to new stores but that in the meantime the Court recommended,

...that all staff associated with this claim be allowed to transfer to the new store retaining their current terms and conditions of employment including working patterns (Labour Court, 2009, p. 3).

So, in terms of *counter-mobilization* tactics Tesco have not been shy in using the Pre/Post-1996 divide, and the fact that the latter are predominately part-time and less likely to be on the top point of the pay scale means they are less likely to have the resources (for example savings) to sustain a protracted strike. However, despite this, Tesco workers in Ireland were willing to *mobilize* their collective resources in accordance with Mobilization Theory. In this case, when workers perceived that Tesco was forcing an injustice on one group of workers (e.g. the Pre-1996 workers Douglas, Cork), then they were willing to take action as it was in their *interests* in the long term to do so.

## **Conclusion**

This chapter established that Tesco PLC historically has adopted both a unitarist and a pluralist approach to industrial relations, depending on location of its global operations. It is beyond the remit of the thesis to explore why, but this chapter shows that this dual ideology has permeated into the traditional pluralist industrial relations within Tesco Ireland in an opportunistic manner by the actions of certain managers. In more recent years, unitarism is becoming the more dominant influence and is now displayed in a more formal fashion, not just by individual managers, but by Tesco

Ireland as a whole. The chapter's findings also show of the existence of *injustices* within Tesco, but the focus of union member's *attribution* has changed from local managers to now include the company itself. The chapter has further demonstrated Tesco's attempt to use the Pre/Post-1996 divide as a form of counter-mobilization. Nevertheless, the data gathered shows that in accordance with Buttigieg *et al.* (2008) distinguishing between distributive *injustices* and procedural *injustices*, workers will mobilize collectively in response to the former *injustice*, as in the case of the 2001 strike in Tesco over pay rates falling behind Dunnes and the latter, concerning procedural *injustice* of Tesco management flouting their contractual obligations to Pre-1996 staff in Douglas, Cork. In the next chapter, I present the data findings regarding the second research site – Dunnes.

## CHAPTER 6, DATA FINDINGS – DUNNES

### Introduction

This chapter provides a brief summary of Dunnes, (i) the company's origins; (ii) its management style over two generations; (iii) industrial relations history, including the strikes in 1983, 1984, 1995 and 1996 and (iv) for reasons of contextual necessity, an account of Dunnes' approach to industrial relations. These accounts provide the setting for the remainder of the chapter, which reports on the data findings arising from the thesis's sub questions and are presented in a thematic manner focusing on *injustice*, *common identity*, *attribution* and *collective organization and activity* in order to answer the overall focus of this study; how and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation?

### Dunnes, the Company's Origins

Dunnes is an Irish-owned company involved in the retailing of grocery, drapery and household goods and probably the largest family-owned business in the history of the Irish State (Curran and Murphy, 2004). Recent figures show that Dunnes has 23.2 percent share of the Irish grocery market (Kantar Worldpanel, 2018). Dunnes employs almost 15,000 people across its 144 stores located in the Republic of Ireland, Northern Ireland, England, Scotland and Spain (Dunnes, 2017). Approximately 11,857 of these employees are located in the 114 stores in the Republic of Ireland (Mandate, 2018).

Ben Dunne senior, who was the founder of the business opened his first store in Cork in 1944. At the time, Dunnes' approach to Irish retailing was revolutionary in letting customers see and feel the products on display as opposed to behind a sales counter. Ben Dunne senior maintained that his employees were not 'shop assistants', as his stores were self-service (Fitzgerald, 1996). In 1970s and 1980s, Dunnes expanded into England, Northern Ireland and Spain.

Because of its legal structure, Dunnes is not required to file company accounts, so a veil of secrecy hangs over its finances (Paul, 2015, p. 2). This arguably suits what appears to be a media-shy family (Weston, 2002). It is against this backdrop that Dunnes is known as Ireland's 'most secretive domestic retailer' (*Sunday Independent*, 2014, p. 18). This reluctance to comment to the media includes a refusal to speak to journalists about both their management style and their industrial relations policies and practices.

### **Management Style at Dunnes**

When Ben Dunne senior died in 1983, a testament to his standing among the higher echelons of Irish society can be gleamed from the fact that the then Fine Gael Prime Minister, and a former Fianna Fáil Prime Minister, both attended his funeral (*The Irish Times*, 1983). Days later, the former Governor of the Irish Central Bank penned an obituary in *The Irish Times* in respect of Ben Dunne senior that has since been described in the same newspaper as 'fulsome in its praise' (Ferriter, 2015, p.14).

However, not all were in such awe. From early in his career, Ben Dunne senior started to acquire a reputation as something of a hard taskmaster. 'I don't get ulcers, I give them', is one of Dunne's best known pithy remarks (Fitzgerald, 1996, p. 20-21). His son, Ben Dunne junior, stated about his father's management style,

But at times he could be a little too tough on people who worked in Dunnes Stores, gave their lives to it, and on retirement did not really get a lot out of Dunnes Stores (*The Irish Times*, 2002, p. 6).

In relation to unions, Ben Dunne senior had 'the reputation of being tough in trade union negotiations' (Whittaker, 1983, p. 14). However, other available sources suggest otherwise and that he was infamous for his antipathy to unions (*The Phoenix*, 2015).

When Ben Dunne senior died, the company was inherited by five of his children. This generational handover was facilitated by Ben Dunne senior transferring the business into the Dunnes Settlement Trust in 1964. This was for two reasons – it avoided a massive inheritance tax bill and it made it more difficult to sell the company, so it would remain a family business (Smyth, 1997, p. 5). Ben Dunne junior and Frank Dunne became joint managing directors, whilst Margaret Heffernan, Elizabeth



McMahon and Therese Dunne became company directors but, in reality, Ben Dunne junior had sole and complete control of the financial side of the business (McCracken, 1997).

Ben Dunne junior's attitude to industrial relations appears to correspond with Wallace *et al.*'s (2004, p. 442) argument that values and philosophy of the entrepreneurial founders of Irish indigenous firms influence the industrial relations styles adopted by such firms. According to one family adviser: 'Ben is not a chip off the old block. He is the old block' (Murphy, 1992, no page). Ben Dunne junior would rarely negotiate with unions, and according to one IDATU official, 'when he does, he is not a pretty sight' (Siggins, 1992, p. 4). Nevertheless, one senior Mandate official stated, 'he was tough but you could do business with him' and despite his 'reputation for macho management, did permit the building of bridges with certain union officials' (Fitzgerald, 1996, p. 11).

Like his father, Ben Dunne junior likewise had a reputation for privacy,

Outside his reported 55-hour working week, Mr Dunne was known to mix with a small circle of friends, preferring to leave high profile socialising to his sister, the charity fundraiser Ms Margaret Heffernan (Siggins, 1992, p. 4).

Notwithstanding his preference for privacy, he was the focus of the media spotlight when in 1981, he was kidnapped by the Irish Republican Army (IRA), held for six days and then subsequently released (Mac Carthaigh, 1997). The Dunne family's liking for privacy was shattered again in 1992 when Ben Dunne junior was arrested in a Florida hotel and charged with a series of serious drug offences that were later dropped to a lesser charge (Keeffe, 2008).

Prior to the incident in Florida, there had been disagreements among the board on Ben Dunne's trading methods and payments to Fine Gael cabinet minister, Michael Lowry, and the Fianna Fáil former Taoiseach, Charlie Haughey, allegedly without the knowledge of the board of directors (McCracken, 1997). The payments to politicians story was eventually made public by an investigative journalist (Smyth, 1997), which resulted in a government appointed tribunal. Ben Dunne junior was ousted from the business.

Since the departure of her brother Ben in 1993, Margaret Heffernan has ‘ruled the company with an iron fist’ (Carswell, 2002, p. 24). Under her control, Dunnes has gained a reputation for confronting or ignoring anything that interferes with the business, including unions, the Labour Court, other retailers or intellectual property law (*The Phoenix*, 2015). Workers, former managers, rivals, banks or landlords are added to this list by Paul (2015, p. 2) who concludes that Dunnes ‘is a magnet for conflict’. The approach of confrontation or, where possible, ignoring outside interference, has been remarked upon in relation to High Court proceedings,

Over the past five years, Dunnes has been named as a defendant in 448 cases, way ahead of its similar-sized rivals SuperValu and Tesco. Over the same period, Dunnes has initiated just 29 cases as plaintiff. Its opponents, overwhelmingly, initiate the lawsuits, suggesting that the retailer frequently adopts an intransigent approach (Paul, 2015, p. 2).

Margaret Heffernan attended a course in personnel management in Harvard, but is seen as a bullish disciplinarian rather than a skilled negotiator (*Food Management*, 1995). In relation to industrial relations there was no improvement. If anything they have deteriorated,

Ironically, Ben Dunne despite a reputation for macho management did permit the building of bridges with certain union officials. It has proved much less easy to establish contact with his sister Margaret and brother, Frank (Fitzgerald, 1996, p. 11).

This relative deterioration in industrial relations was commented upon by Dunnes Union Activist 13 stating,

When Ben [junior] was there, when he called into our store he would ask for me and have a quick chat, ask if there were any problems with the staff? Margaret Heffernan would never do it.

### **Industrial Relations History**

In other unionised employments in Irish retail, disputes are resolved using a pluralistic approach and, if necessary, use the State’s conciliation and arbitration services (Mandate, 2018). Dunnes, in contrast, will not engage at local level with employee representatives and on most occasions will not attend such third party institutions unless the process is legally binding (Appendix 4).

The cost of their representation and preparation for hearings can often outweigh the cost of the substantial issue in dispute. It appears that Dunnes want the reputation that if you as an employee challenge them, they will make you fight all the way to a third party (and subsequent appeals). While this process can take months and sometimes years, the individual employee still has to work in an environment that they feel is strained due to their legal proceedings against their employer. The effect this has is summed up by Dunnes Union Activist 1 who stated that,

Everything with Dunnes was a fight, everything, I could never understand that. I mean they were making life difficult for themselves.

### **The 1983 Strike**

In 1983, the IUDWC (now Mandate) balloted all its Mandate members employed at Dunnes for an all-out national strike to force the company to agree some form of procedural agreement (Archbold, 1995). Dunnes earlier maintained that there was no overall company known as Dunnes Stores and that negotiations must be carried out at individual branch level (O'Regan, 1982). After a national strike involving 1,500 union members across 46 Dunnes outlets lasting four weeks, the company agreed to attend the Labour Court and both sides agreed in advance that the Court's recommendation would be binding for the union and the company (McEldowney, 1983). The Labour Court recommended that both sides would benefit from the establishment of a disputes and grievance procedure (Mandate, 2018).

Despite previously agreeing to be bound by the Labour Court's recommendation, the company simply ignored the recommendation (Archbold, 1995). Over the remainder of the 1980s, the union engaged in further strikes including a six month strike in all stores in Cork and a six-month occupation in a Wexford store.

### **The 1984 Dunnes Stores Anti-Apartheid Strike**

In 1984, a number of IUDWC members at the Henry Street store in Dublin refused to handle South African fruit. Dunnes suspended the workers and their subsequent picket of the Henry Street store became a cause celebre for the international anti-apartheid

movement. Ben Dunne junior who was Dunnes Chairman at the time, refused to give into the strikers' demand for a 'conscience clause' being inserted in their contracts, permitting them not to have to handle produce from South Africa. The strike, which lasted almost three years was finally resolved when the Irish government eventually banned South African goods from being sold in Ireland and the ban remained in place until the end of the apartheid regime (*Shelflife.ie*, 2015). In reflection on the strike in general, some commentators argued that Dunnes might have found it helpful,

Despite heavy losses at the Henry Street store, there are those who believe that it almost suited Dunnes. The theory was that if you tied down union resources in one dispute, you could have peace elsewhere throughout the organisation on management's terms (Fitzgerald, 1996, p. 11).

On the other hand, during the research for this thesis, Dunnes Union Activist 1 stated in her interview that the majority of the staff in her store joined the union because of the dispute over apartheid in the Henry Street store.

### **The 1995 Strike**

In 1993 and 1994, Mandate wrote to Dunnes seeking a meeting to discuss a three percent pay increase under the then social partnership agreement, the Programme for Economic and Social Progress (PESP). Dunnes did not agree to meet. In August 1994, Dunnes unilaterally commenced compulsory Sunday working in Grafton Street (Dublin), Killarney and Galway, and paid staff a flat rate of pay (Archbold, 1995, Fitzgerald, 1996).

Mandate had a fundamental position in respect of Sunday working and insisted that such work be paid at an appropriate premium to reflect its antisocial nature (Fahy and Power, 2004),

A ballot of its members showed that 98 per cent were opposed to the management proposal. "There is no demand from our members for Sunday working," Mr Sheehan [Mandate National Official] said. He stressed that Mandate was not embarking on a strike. Since they were not obliged to work on Sundays in the first place, there was no question of withdrawing labour. What the union was doing was placing a picket on the three stores, which he said would be "effective" (Dunne, 1994, p. 6).

Picketing began on Tuesday the 7<sup>th</sup> of August 1994. In September, Dunnes agreed to talks, the first face-to-face talks in over ten years with a union (Fitzgerald, 1996). The negotiations resulted in an interim settlement on Sunday working for Christmas in 1994 and an agreement for further negotiations on all outstanding issues to commence early in 1995 (Mandate, 2018). At a final meeting held in April 1995, Dunnes made tentative proposals (Mandate's understanding of the company's tentative 'proposals' are outlined in Table 12) and Dunnes undertook to but failed to forward its final proposals to Mandate. Mandate then commenced a ballot of its members on the union's understanding of the company's proposals.

**Table 12. Dunnes: tentative 'proposals' 1995**

Issue	Unions' Claim	Dunnes Position
Sunday Work	Voluntary and with premium pay	No
Zero Hours	25 hours minimum per week	A 'significant' proportion of part-time employees will have 'regularised' hours
3 per cent pay rise	Unions seeking payment	Dunnes will enter negotiations in 11 locations in exchange for concessions. Extended trading hours are not considered as a concession
Sick Pay	Cover all employees	No
Posts of Responsibility	Payment for extra responsibilities	No offer
Procedure Agreement	Unions want negotiations	No

Source: Mandate (2018)

These tentative proposals by Dunnes were rejected by 96 per cent of the membership and the union referred the issues to the LRC (1995; Mandate, 2018).

When Dunnes refused to attend the LRC for conciliation talks, Mandate balloted its members for strike which commenced on the 19<sup>th</sup> of June 1995 and lasted three weeks during which time the company closed its stores because the public were not passing the pickets (Archbold, 1995). The union arguably won the battle for public support by default as Dunnes' traditional stance of not talking to the media left the field open to the union (McManus, 1995). The company eventually issued a public statement on the strike, but by then the union had won the public relations war (Foley, 1995). Dunnes Union Activist 1 summed up the importance of the public support as follows,

I was there for the first week of the strike and for the second week I was part of it, but the support from the customers was amazing, absolutely amazing, they just would not pass, no way they would pass the picket line. The customers, never mind ourselves, felt that we weren't being treated fairly.

We'd be outside on the picket line and the customers would be coming to us with sandwiches and apple tarts and all sorts of things and of course people were on strike pay so the taxi companies made collections because people would get taxis after work so they made collections and gave money to help us along the way, the local pub and coffee shop made pots of tea at the time and wouldn't charge us for it, a whole lot of goodwill like that from the customers and while we were out on the side of the road with the placards, they would all beep their horns passing.

Reports in the media were suggesting that Mandate had a strike fund of £1.5 million (€1,904,607) which was enough to provide strike pay for about six weeks and that Dunnes would lose £12 million (€15,236.856) in the same period (Yeates, 1995a). According to one Mandate official, money was never a problem for the union (Archbold, 1995). Ironically, due to the nature of their 'zero hour' contracts in Dunnes, many of the strikers were receiving more in strike pay than if they had been working. The fact that strike pay was higher than many picketers' average wages was described in grocery terminology as a 'loss leader' to entice people to go on strike (Yeates, 1995a). The union disputed this, saying that all members, regardless of earnings, pay the same weekly subscription, and all members receive the same strike pay.

It appeared that Dunnes were going to try to sit out the strike (Yeates, 1995a). Workers on strike in Ireland are normally not considered to be unemployed and thus not entitled to social welfare. However, Mandate referred a claim under the Social Welfare (Consolidation) Act 1993, that social welfare should be paid as Dunnes did not avail of the LRC, in accordance with the Act's provisions. On Friday the 23<sup>rd</sup> of June, a

Deciding Officer found in favour and that the 4,000 strikers were entitled to £60 (€76.18) in addition to their £50 (€63.49) weekly strike pay (Yeates, 1995b). The following Sunday night, the Labour Court intervened and invited all the parties (Dunnes, Mandate, SIPTU and the Marine Port and General Workers Union (MPGWU)<sup>45</sup> to attend an investigation. Dunnes agreed to attend.

The Labour Court held a series of joint hearings and separate discussion with each side over four days (28<sup>th</sup> and 29<sup>th</sup> of June, 2<sup>nd</sup> and 3<sup>rd</sup> of July 1995). On the 4<sup>th</sup> of July 1995 the Court issued a recommendation stating *inter alia*,

It is the view of the Court that a Tribunal should be established comprising one Company nominee, one I.C.T.U. nominee and an Independent Chairperson to develop proposals and structures to deal with the issues highlighted above and issues such as those that have created the present situation (WRC, 2018).

The Labour Court had difficulty in recommending a rate for Sunday working, as there was no established norm in Irish retail at the time. However, the Labour Court recommended that staff employed before October 1994 receive double time for Sundays and post October 1994 staff receive time and a half, with one in every four Sundays off (WRC, 2018). The court also recommended that: (i) all employees be guaranteed at least 15 hours work a week, which they should be notified of a week in advance, (ii) the creation of 200 full-time positions, and (iii) that the parties negotiate directly a quid pro quo for the PESP three per cent. In relation to the other issues, the court stated that they,

Require in-depth analysis and consideration and cannot be dealt with in the time available to the Court, at this time. These include Pensions, Sick-pay and Posts of Responsibility all of which can be progressed at a later stage (Mandate, 2018; WRC, 2018).

Although Mandate did not get everything it sought, the support from the public was a vital collective resource in achieving what was achieved. However, such support was not a storable commodity,

public support may well have lessened if the deal was rejected and the strike continued, as the experience of previous disputes shows. And that would also have allowed Dunnes to claim that it was the union[s] and not they, who were acting unreasonably. In that situation, the strikers may have had to settle for even less (Mandate, 2018).

<sup>45</sup> The MPGWU (now SIPTU) and SIPTU had members in a small number of Dunnes outlets on strike.

Mandate recommended that the court's recommendation be accepted and 3,336 members voting in favour, 939 voting against and no spoilt votes (Mandate, 2018).

During the course of the dispute, significant steps had been taken by Dunnes. First, they attended a non-legally binding Labour Court hearing for the first time since 1983. Moreover, Archbold (1995, p. 5) states that,

[Dunnes] hired themselves an industrial relations practitioner to represent them in the Labour Court. The accountants, the lawyers and supermarket managers, however capable in their own particular fields, were finally seen as inappropriate in the IR arena. For the first time, Dunnes Stores was represented by a negotiator who knew the difference between a conciliation conference and a High Court injunction.

The Labour Court recommendation was not honoured and all parties blamed each other (Mandate, 2018). On September 4<sup>th</sup> 1995, when the two months had passed since the Court had issued its recommendation, the three unions referred the dispute back to the Labour Court. In relation to the issue of the PESP three per cent, the Labour Court had recommended in July,

That the parties meet immediately on the resumption of normal working to conclude discussions on this issue. Should they fail to reach agreement within 2 months, the issue can be referred back to the Court for a recommendation (Mandate, 2018).

The Labour Court convened on the 18<sup>th</sup> of September and issued its recommendation a month later. It recommended that the PESP three per cent be backdated to the 4<sup>th</sup> of September and that if the parties could not agree a quid pro quo on productivity, the court would recommend what sort of productivity should be conceded by the unions (Mandate, 2018).

In relation to the July 1995 recommendation, Mandate wrote to the Labour Court on its date of issue, seeking clarification on a number of issues, including seeking confirmation that the payment of treble time for the four Sundays immediately before Christmas under various 'town agreements' remained unchanged. Dunnes had, for the previous 12 years, paid the treble time rate for the four Christmas Sundays. The court responded yes. However, Dunnes stated in October 1995 that it would only pay double time to long serving staff and time and a half to newer staff for the Christmas Sundays that year. The dispute was referred to the LRC and Dunnes attended a conciliation



conference on the 5<sup>th</sup> of December, but no agreement was reached. The matter was then referred to the Labour Court, which Dunnes did not attend. This led to a further limited strike action in 57 of Dunnes' 62 outlets in the Christmas of 1995, which was to set the scene for another national strike in 1996 (Mandate, 2018).

In addition, the Tribunal recommended by the Labour Court never got off the ground, resulting in the resignation of its independent chair. In his letter to Dunnes via their solicitors in January 1996 the independent chair stated,

On reviewing events since I accepted the invitation to be Chairman, I detect a strategy of confrontation with the Chairman on every issue on the part of Dunnes Stores' management. From this I conclude that I could not reasonably expect co-operation of Dunnes Stores management in developing a positive climate of industrial relations and staff relationships (Mandate, 2018).

What was strange about the failure of the Tribunal was that it was Dunnes' idea originally (Foley, 1995), and the chair chosen 'was the company's preferred choice' (Fahy and Power, 2004, p. 40). Furthermore, in terms of implementing the spirit of the court's recommendation, Mandate soon became aware of an internal Dunnes memo, instructed all store managers not to talk to union officials without prior approval; phone calls from officials to shop stewards were to be to senior store management and be reported to personnel; visits to stores by union officials were only to be conducted outside working hours (Mandate, 2018).

### **The 1996 Strike**

In May 1996, Dunnes made an offer to the unions that was described as a 'watered-down version of the Labour Court recommendations' on a 'take it or leave it' basis (Yeates, 1996a, p. 7). The company's offer only back-dated the three per cent to January 1996, while the Labour Court recommended backdating to September 4<sup>th</sup> 1995. On the issue of the court's recommending the creation of 200 full-time jobs, Dunnes was offering the new positions on a five over seven contract (Sunday working). However, the Labour Court's clarification was five over six contracts. After a shop stewards' meeting on the 26<sup>th</sup> of May, a membership ballot commenced with a recommendation for rejection of Dunnes' offer (*The Irish Times*, 1996). The membership ballot rejected the company's offer by 2,996 to 224, and Mandate

immediately started a publicity campaign for what now looked like an unavoidable second national strike on the issues.

By July 1996, politicians from across the political spectrum, Fianna Fáil, Fine Gael the Labour Party, called on Dunnes to honour the terms of the agreement it reached (Mandate, 2018). All three unions commenced balloting for strike action in August, which were carried in all three unions (Table 13).

**Table 13. Dunnes Members’ ballot for Strike results 1996**

	For Strike	Against Strike
Mandate	3189	359
SIPTU	342	44
MPGWU	41	15

Source: Mandate (2018)

Direct talks between the unions and the company commenced on the 27<sup>th</sup> of August 1996, but by the 1<sup>st</sup> of September the talks had broken down,

“The issue here is not a commercial one”, said one Mandate source, “its pride, family pride”. The belief among the Union negotiators is that brother and sister, Margaret Heffernan and Frank Dunne simply do not want to give any role, or power, to any third party such as the Labour Court or the Labour Relations Commission (Keena, 1996, p. 12).

The strike commenced on the 2<sup>nd</sup> of September 1996. Direct talks between the parties resumed during the strike, resulting in a set of proposals. At a shop stewards’ meeting on the 10<sup>th</sup> of September, the 174 stewards voted overwhelmingly to recommend the proposals to the members (Yeates, 1996b). At the count on the 14<sup>th</sup> of September, the proposals were narrowly accepted by a 59 per cent majority and the strike was called off (Yeates, and O’Keeffe, 1996). Table 14 outlines the September 1996 proposal’s main points and a comparison with the Labour Court’s July 1995 recommendation.

**Table 14. Dunnes’ settlement terms 1996**

Issue	1996 Settlement terms	The 1995 Labour Court recommendations
Payment of PESP 3%	Back dated to 4 <sup>th</sup> Sept. 1995, within 3 weeks of work resuming in exchange for cooperation with new technology and associated work practices	Direct discussions to take place
Pension	Meeting to take place within 2 weeks of return to work on introduction of new scheme for all staff	Could be progressed at a later date
Procedural agreement	Agreed wording on a Procedural Agreement. No reference to a Tribunal	Establishment of internal industrial tribunal
Staffing levels	400 new jobs to be created on a 7-day roster. Extra 200 jobs created as a quid pro quo for 7-day roster	200 new full-time jobs to be created on a 6-day (excluding Sunday from normal working) roster

Source: Mandate (2018); Wallace and Clifford (1998)

The unresolved issue of the four Christmas Sundays rate of pay was the first to be put through the new procedural agreement (Appendix 5). No agreement was reached at the LRC in February 1997, and following a Labour Court investigation in July, the court recommended that staff employed prior to October 1994 receive treble time (the final third by way of extra holidays) and post October 1994 staff receive double time. Dunnes rejected the court’s recommendation and Mandate commenced balloting for strike. Dunnes sought a meeting and eventually a proposal emerged. It resolved the Christmas Sundays and included that all pre-October 1994 staff would be paid double time for Sunday working throughout the year and a Christmas bonus of one and a half weeks pay and one extra day’s leave. Post October 1994 staff were to be paid time and a half for all Sundays throughout the year and the Christmas bonus of one and a half weeks pay. Dunnes’ proposals were accepted by over 80 per cent in a membership ballot.

### **Dunnes and the Labour Court**

As seen from above, Dunnes does not have a consistent record in attending third party hearings in the context of Ireland's voluntarist industrial relations system. For example, Dunnes has attended Labour Court investigations for collective bargaining purposes in a voluntary manner in the following cases (Appendix 4):

- i) 1997: LCR15611 – rates of pay for Christmas Sunday trading (see above),
- ii) 2000: LCR16530 – introduction of posts of responsibility, pay rates for canteens and restaurants and withdrawal of check-off,
- iii) 2001: LCR16952 – long service increments and
- iv) 2002: LCR17208 – non-payment of additional twoper cent under the revised terms of the Programme for Prosperity and Fairness.

However, in 2005, in the case of LCR18364 in a dispute over the interpretation of a statutory Code of Practice, the Labour Court noted that the company claimed that it,  
...does not negotiate with Trade Unions for collective bargaining purposes and its disciplinary procedures unequivocally state that the right to be represented is by a colleague or friend only (WRC, 2018).

Despite such a claim by Dunnes, the Labour Court recommended,

That the Employer amend its internal disciplinary procedures forthwith to allow for the representation of employees by a colleague or a registered trade union, as the employee shall elect, so as to comply with the provisions of the Code of Practice (WRC, 2018).

In contrast to Dunnes claiming before the Labour Court in 2005 it does not negotiate with trade unions for collective bargaining purposes, in 2006 in the case of DIR064, the Court noted that,

in the present case neither party has expressed any desire to terminate the agreement [Appendix 5] and both parties have told the Court that they wish to see it complied with by the other (WRC, 2018).

Since the case of DIR064 in 2006, which was legally binding, there has been 17 Labour Court hearings convened under the voluntarist aspects of Irish Industrial Relations legislation and Dunnes attended none of them. In the penultimate case in 2014 (LCR20874) the Labour Court recommendation is worth quoting at length,

The Court finds that the parties to this dispute, in 1996, concluded a collective agreement [Appendix 5] for the resolution of industrial disputes between the parties. The Court takes the view that where parties have freely concluded such

an agreement they should each comply with its terms in the management of their relationships. ... However, it now appears that the Company has failed to observe these procedures in dealing with the Union's claim (WRC, 2018).

### **Dunnes and Union Facilities**

Dunnes will not permit the union to post notices on company notice boards since 1989 (Labour Court LCR12393, Appendix 4), paid or even unpaid release for union activity on company property, and union officials cannot gain access to visit the shops on union business (Mandate, 2018). The only union facility that Dunnes do provide is deduction at source of union weekly dues for hourly paid staff with more than six months service<sup>46</sup>. The service element was unilaterally introduced by Dunnes, challenged by Mandate and subsequently subject to a Labour Court recommendation, which Dunnes has ignored. In keeping any union profile to an absolute minimum, Dunnes do not print Mandate or union on the employees' pay slips regarding union subscriptions, just the word 'other'. The delay in facilitating the check-off for new employees further exacerbates union recruitment as according to Dunnes Union Activist 5,

Dunnes are hiring new employees on three months contracts with a possible extension for another three months and then letting them go, and then hire newer staff again.

While this employee hiring practice may not be driven by concerns of minimising union recruitment, it has had that effect.

### **Dunnes and Pay Increases**

When Social Partnership collapsed in 2008/9 due to the international financial crisis, unions in Ireland were back to free collective bargaining i.e. dealing with each employer on an individual basis. As the Irish economy started to recover from 2011 onwards (including retail), Mandate started to negotiate pay increases for its members across the retail trade.

<sup>46</sup> Since the completion of fieldwork for this thesis, Dunnes has refused to process new union members onto the check-off system and to apply an €0.20 increase in union subscription to existing members.

In June 2012, Mandate wrote to Dunnes seeking a wage increase. When Dunnes did not reply, Mandate referred the issue to the LRC. Dunnes refused to attend the LRC, so Mandate then referred the claim to the Labour Court. As Dunnes were unlikely to attend the Labour Court, Mandate referred the issue under Section 20(1) of the Industrial Relations Act 1969. This method of referral has some advantages in cognizance of Dunnes' refusal to engage to date. Firstly, the Labour Court would go ahead even if Dunnes refused to attend. Secondly, the court would issue a recommendation. However, the recommendation is binding on the union, but not on Dunnes. Mandate was confident that it would get a sympathetic hearing on the issue, as it could show the court that Dunnes' pay rates had fallen behind its competitors and this would go uncontested as Dunnes were unlikely to attend. If Dunnes subsequently rejected the court's recommendation, Mandate would have the high moral ground in any membership strike ballot and with the public in seeking implementation of the court's recommendation.

In February 2013, the Labour Court issued its recommendation which included the following extract, the union,

told the Court that on the eve of the Court hearing, the Company, through its local management structure, announced that rates of pay will be increased by 3% with effect from 7<sup>th</sup> February 2013. The Union accepted that this action was in concession of its claim before the Court ... In such circumstances the Court has no hesitation in recommending in favour of the Union's claim for a 3% increase in rates of pay (WRC, 2018).

From a Mobilization Theory perspective, this process satisfied the first three components: the *injustice* was the lack of a pay rise comparable to other retailers; the *common identity* was the workers concerned were members of an independent union seeking the pay rise; and the third component, *attribution* was Dunnes' continual refusal to engage in negotiations. By Mandate framing the issue in such a fashion and the likelihood that the Labour Court as an independent body would concur, is perhaps the reason Dunnes announced prior to the court's hearing that it was conceding the claim as and from the 7<sup>th</sup> of February 2013.

In April 2014, at its Biennial Delegate Conference, Mandate launched the ‘Decency for Dunnes Workers Campaign’ (DDWC). On May 1<sup>st</sup>, Mandate wrote to Dunnes seeking a meeting to outline the issues of concern:

1. Introduction of sufficient weekly hour thresholds [banded hours]
2. Review of the number of pay scales/pay rates currently in operation
3. Review of the use of temporary contracts
4. Claim for a three per cent wage increase
5. Representation rights for our members (Mandate, 2018).

Dunnes responded with a letter on the 23<sup>rd</sup> of May 2014 stating,

Your letter is vague and lacking in detail. In your letter you list a number of items and in order to understand exactly the context, in which you believe the provisions of the “Agreement for Resolving problems arising between Management and staff of Dunnes Stores” arises, can you please provide us with information in this regard and identify issues within this context that you wish to raise. Please provide with the full details in writing and we await receipt of same (Mandate, 2018).

Mandate interpreted this response as a deliberate attempt to avoid any meeting and referred the issues to the LRC in July. When invited by the LRC to attend a conciliation conference in August 2014, Dunnes responded stating,

In the above circumstances it is not with respect open to MANDATE to seek to involve the LRC as the company is not unwilling to meet or discuss issues provided it is not an exercise that is without identified parameters and more importantly clearly identified issues. Consistently the Union has refused to do so (Mandate, 2018).

Nevertheless, Mandate was able to release the following statement,

On the day Mandate referred the full claim on behalf of our members to the Labour Relations Commission (LRC), the company has decided to concede a 3 per cent pay increase. This is obviously not a coincidence. Clearly management at Dunnes have identified the growing momentum which is gathering behind our campaign [DDWC] and have attempted to quell workers’ demands by paying this increase on the basic hourly rate<sup>47</sup> (Mandate, 2018).

<sup>47</sup> In 2015, 2016, and 2017, Dunnes responded in a similar manner to pay claims lodged by Mandate as they had done in 2013 and 2014. The following statements were issued by Mandate sequentially:

Mandate lodged a claim for a 3 percent pay increase on April 16th. This morning [12.5.15] Dunnes management confirmed concession of the claim at in-store “communications meetings” with staff across the country (Mandate, 2018).

The Union lodged a claim for a 3 percent pay increase on March 30th and the Labour Court had recently set a date for a hearing for 1st December. However, this morning [19.10.16] Dunnes management confirmed concession of the claim at in-store meetings at different

While Dunnes' unilateral action only dealt with item four of the DDWC, Mandate referred on the remaining issues to the Labour Court that took place in October 2014. Dunnes did not attend. In November, the court issued the following statement,

The Court notes the complexity of the issues raised in the Union's submission and recommends that the parties, within four weeks of the date of this Recommendation, and, if necessary, with the assistance of the LRC, meet in an effort to resolve them. The Court remains available to the parties should they jointly decide to refer the issues on which they cannot reach agreement back to it for a definitive recommendation (WRC, 2018, LCR20874).

In November 2014, Dunnes wrote to the Labour Court stating that they saw no purpose in meeting with the union, as there was no dispute. Mandate countered this assertion by releasing the findings of a survey completed over the previous weeks by 1,400 members employed in Dunnes. The results of the survey showed that:

- 98 per cent want more stable hours.
- 85 per cent say insecurity over hours and rostering is used as a method of control over workers.
- 88 per cent say that they are not treated with dignity and respect at work.
- 98 per cent say they want Dunnes to respect their right to trade Union representation
- 74 per cent of respondents are on flexible contracts which only guarantee 15 hours per week.
- The average hours worked by a flexi-contract worker is 26 per week.
- 81 per cent would accept more hours if offered.
- One in three workers are working more than 30 hours per week.
- The average length of employment for Dunnes workers is 9.2 years.
- The average pay rate for Dunnes workers is €13.21 per hour.

(Mandate, 2018).

In addition to the 1,400 completed survey questionnaires, 340 members added comments. The following are an example of the issues raised,

After 11 years in the job I still don't know my weekly wage from one week to another because I don't have a "set" contract.

Dunnes are removing anything that has any reference to the union and has also threatened to discipline any member of staff who talk about the union or have, for example, a union pen.

locations across the country. Reports indicate the pay increase will be back dated to the 3rd October 2016 (Mandate, 2018).

Mandate Trade Union today [27.9.17] welcomed the announcement to award its members employed in Dunnes Stores a 3% pay increase for 2017/18 effective from 3rd October 2017. This is the fifth consecutive concession of a 3% pay claim by Mandate Trade Union for Dunnes Stores workers in as many years (Mandate, 2018).



I tell them I can't work between 2pm and 5pm because of child care issues. They say they won't give me them but they keep putting me in 2-6pm shift. They are trying to push me out after nine years as I'm on an old contract and higher wage to be replaced by young cheap staff on new contract.

It is almost impossible to get any weekend days off as I am on a flexi contract and have to be available seven days a week. So, my days off are usually Monday and Tuesday and this is in my opinion is anti-family and anti-social.

I just want to know my hours in advance. I have a child and have to make last minute arrangements every week.

I never get a weekend off, always have to work Saturdays or Sundays and usually both together. Since I started working in Dunnes four years ago I have had four weekends off (Mandate, 2018).

Mandate then organized petition cards with the following wording,

I strongly condemn the fact that Dunnes Stores management has rejected all good faith attempts by my Union and the Labour Court to address our collective issues and concerns re: security of hours and earnings, pay, job security and union representation. If the Company continues to reject our efforts, we will be left with no other option than to consider taking other forms action, up to and including industrial action, to have our issues resolved (Mandate, 2018).

Over 1,300 Mandate members in Dunnes signed the petition cards which were then attached to a giant Christmas card and a Mandate delegation delivered it to Dunnes head office in December 2014.

In January 2015, Mandate convened a Dunnes' activists' national meeting. It was put to the meeting that Dunnes members had four choices: give up; wind down the campaign – and see how long recent concessions (such as extra hours for existing staff) lasts; commence a ballot for industrial action seeking implementation of the Labour Court recommendation; or reserve our position and continue to try and build up the union within the company.

Comments that were passed at the meeting included,

I would have loved to been there to see Margaret's [Heffernan] face when she opened that Christmas card [this was followed by laughter and loud applause] (Dunnes Union Activist A).

If you go for option three [ballot for industrial action] you will automatically get option four as you will build up members as some have a lot more to gain, I mean a lot more to lose (Dunnes Union Activist B).

Some of my members are only working part time and only earning small money and can't afford to go on strike (Dunnes Union Activist C).

A lot of full timers in my store, the long timers left [the union]. And going for option three gives us a chance to get them back into the union (Dunnes Union Activist D).

People in my shop are asking for [union application] forms as they are telling me they don't want to cross the picket and are asking me is the union going to strike (Dunnes Union Activist E).

Dunnes Union Activist F summed up the general feeling of the meeting in her statement,

We're extremely disappointed and frustrated that our company has continued to ignore our very reasonable requests. Equally, we're determined to make real and lasting change in the company and feel we've been left with no other option but to ballot for industrial action. All we're really asking for is respect and the implementation of standard conditions of employment that are already afforded to workers in Dunnes' major competitors like Tesco and Penneys.

The activists voted in favour of commencing a balloting for industrial action. Afterwards, Dunnes' management started holding 'extra' communication meetings in their stores and on the 4<sup>th</sup> of February 2015 issued an unsigned letter to staff regarding the 'proposed industrial action' and referenced the two recent pay increases and that,

This was done not with any involvement of the Trade Unions but as a direct consequence of the interaction between management and employees (Mandate, 2018).

In relation to secure hours for staff, the Dunnes letter stated,

It is important to understand that to protect the Company and the jobs of the staff who work with us, management have the right to respond to competition and to roster stores opening / closing hours to meet the shopping needs of our customers. This is done through full time and flexible contracts which are freely entered into (Mandate, 2018).

In the letter, Dunnes stated its position on entering talks with Mandate as per the Labour Court recommendation with the following paragraph,

Dunnes Stores, similar to many substantial companies that operate in Ireland and internationally, do not engage directly with Trade Unions. We live in a Country that has a Constitution that recognises the right of association that is to become a member of a trade union, which Dunnes Stores wholeheartedly endorses. This right is one that the Company acknowledges is every employee's right but in as much as the Constitution recognises that right; it also recognises that there is a right effectively of disassociation namely that an employer is not obliged to nor must it talk or engage directly with Trade Unions (Mandate, 2018).

Mandate issued an update on the 10<sup>th</sup> of February to its members on the ongoing ballot, which included the following,

Dunnes also rejected the Labour Court's recommendation that stated the Company have an obligation to sit down with the Union to discuss all of the issues in dispute. It's no coincidence that the only thing that has made Dunnes take notice and respond with tactics such as extra communication meetings and now a letter [4<sup>th</sup> of February 2015] like this has been the decision to ballot for industrial action. It is a clear indication that you through your Union are growing in strength and Dunnes are concerned (Mandate, 2018).

In March 2015, the ballot was counted and declared: 3,071 ballot papers issued; 2,052 in favour of strike; 1,018 against and two spoilt votes. Dunnes Union Activist G made the following statement,

Our employer continues to refuse entering into discussions with us through our union, and they won't even go to the Labour Court to address our issues. None of us want to go on strike because we really can't afford it, but what other option have we got? Our employer can stop the strike by simply agreeing to meet our Union and we don't feel that's an unreasonable request. We have bills to pay and children to feed but we don't know what hours we'll get from week to week. We can't live like this anymore (Mandate, 2018).

Strike notice was served on the 11<sup>th</sup> of March that picketed would commence on Thursday the 2<sup>nd</sup> of April (a busy shopping day before the Easter long weekend). On the 19<sup>th</sup> of March, a Mandate official had this message for Dunnes members via Mandate's designated web page for the dispute,

Disputes are never easy and I should know having worked in Dunnes Stores for more than 20 years. Right now I feel a great sense of déjà vu as I recall the intense pressure in the days leading up to the disputes in the 90's. ... Communication meetings will be called, and frequently. Key people as well as the most vulnerable will be targeted. Propaganda, misinformation and untruths will be spun by the company, all in an effort to break the dispute. The simple question is why are Senior Management putting so much energy into stopping you from engaging in industrial action when their time and energy would be

better served in entering into meaningful engagement with your Union to resolve the issues in dispute (Mandate, 2018).

Her predictions came true, as one Mandate member testified on the day before the strike on the same web page,

I've had my managers pull me into the office on a daily basis pressuring me not to go on strike. I've been told my hours will be cut to 15 [hours] permanently. I've been told I'll be rostered for lates, making childcare arrangements impossible. I've been told the guards [police] might arrest us on the day. There's been letters threatening redundancies. Every time I'm in the office I tell them the same thing - we don't want to go on strike, we have to. Dunnes haven't left us with any other option (Mandate, 2018).

Another member working on the night shift was told by management in the two hours before the strike commenced at midnight on the 2<sup>nd</sup> of April that if she did not finish her shift (i.e. work after midnight), she would not be allowed to work the remainder of her next shift when the strike finished at midnight the following night<sup>48</sup>. Other examples of Dunnes using the flexibility of staff contracts are,

Staff on 15 hours contract were all rostered for 8 hour shifts today [the day of the strike], and if they didn't show up, well do the maths, 7 hours pay, no extra hours and not entitled to social [welfare]! (comment on *The Journal.ie*, 2015b: webpage).

Everyone in our store was rostered for that day some for 12 hours (Dunnes Union Activist H).

Dunnes dismissed a number of workers in the days after the 2015 strike,

Others, like Karina McGovern, who worked in Dunnes in Northside Shopping Centre, were in effect sacked. ... Devastated by the news of her job loss, McGovern was then told to return to the tills to work out her shift. ... "The most difficult thing," McGovern said, "is seeing them hire five new people so soon afterwards. That job was how I lived and then it was gone, no reason given. I was made an example of and replaced. That tells all you need to know about how it is for us and why there was a strike" (Burtenshaw, 2015, webpage).

Tony Malone from Dundalk was a victim of similar treatment. The day after the strike, two days shy of a year in his job [when he would qualify for scope of the Unfair Dismissals Act], with an excellent appraisal in his pocket, he was told he would not be getting a new contract. When he asked why, having never been given any indication that this outcome was likely, he was met with a wall

<sup>48</sup> She appealed this under the Payment of Wages Act 1991 as an illegal deduction, and won €300 compensation in a subsequent Labour Court hearing (Mandate, 2018 and Appendix 4, PWD1637).

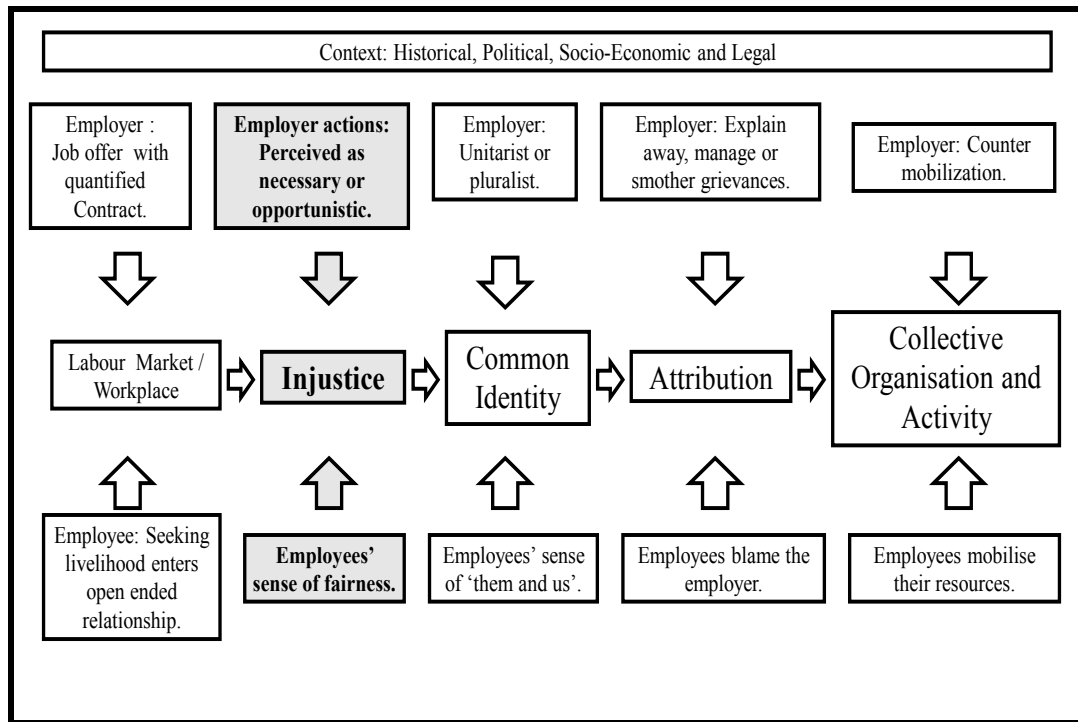
of silence. Again, management said there was no reason that could be offered (Burtenshaw, 2015, webpage).

Mandate referred these cases to the then EAT<sup>49</sup> and while they were eventually withdrawn when Dunnes monetary offers were accepted by the individual workers (Mandate, 2018), the chill effect on future collective action was akin to,

The continuing relevance of the workers' concerns about their precarious positions was seen more recently in Gorey, County Wexford. The local Dunnes Stores branch, seeking more customers, opened its side door to steer foot traffic directly into the shop rather than having it go through the shopping centre. Grant McCann, the receivers in charge of the shopping centre, took out an injunction against this, citing previous agreements against it. Unhappy with the injunction Dunnes decided to play high-stakes poker with the shopping centre and announced that it would be shutting the shop, with the loss of one-hundred jobs. By the end of May an agreement was reached to grant a stay in the injunction for two months, leaving the side door open. Dunnes had won but in the process had thrown the lives of a lot of their employees into chaos. McGovern says the Gorey situation also had an effect on other Dunnes Stores. "I know other workers looked at that and thought, 'we could be next'. It's so easy for them to do it, just let all those people go, over something small. Why wouldn't they do it to us for a strike?" (Burtenshaw, 2015, webpage).

This counter-mobilization against individual workers or entire workforces in a particular store brings us back to the lens of Mobilization Theory and it is to its first component, injustice, I now turn (see shaded area, Figure 14).

<sup>49</sup> The EAT's functions are now under the auspice of the Labour Court.

**Dunnes – Injustice****Figure 14. Dunnes – Injustice**

Source: Author

The Mandate quantitative survey of 2014 showed that for 98 per cent of respondents, stability of hours was an issue. The qualitative data gathered for this thesis confirms this finding as the issue of hours was the most common source of injustice cited,

Unpredictability of the whole thing, one week having 32 hours then suddenly dropped down to 15. ... You just think the younger ones coming in their 20s, in relationships, just wonder how the hell they are ever going to get mortgages (Dunnes Union Activist 4).

The main grievance at the moment is the hours. They have cut our hours and cut our hours down to practically zilch at some stage. Some staff are only getting 16-18 hours and they are starting on these three hour shifts. ... But that is the main thing at the moment is the hours, everything else is going along normally but we can't survive on the wages we're getting. It's just not working. We all have the same bills that we had last year, they have the same mortgage, the same ESB [Electricity Supply Board] and everything else. (Dunnes Union Activist 11).

The data suggest that there is a financial incentive for Dunnes to reduce the hours of longer serving staff,

Sure they would always try and be awkward, like if somebody went in and said they would like to do a course on a Tuesday night so please don't roster me for the next three months, you would definitely be rostered for the Tuesday night, for the next week and the following week after that even if you never worked a Tuesday night before. ... Trying to get rid of us because we were there for good number of years and we were on higher rate. Keep cutting our hours, doing anything to get rid of us (Dunnes Union Activist 1).

In the first year I'd have been doing 30 odd hours a week even though my contract is only for 15 but now I'm at the stage where I'm getting the bare 15 so that's a big cut to my wages and the company aren't breaking any rules because the contract is only for 15 and they are giving the new staff, young ones great hours. But the ones that were there from day one, I've reached the highest rate of pay so they're not going to pay me and a Sunday. I used to get eight hours which was great, at time and a half, now I get 3 hours on a Sunday (Dunnes Union Activist 5).

In addition to the financial incentive to reduce the hours of staff on the higher points of the pay scales, a further tool at management's disposal is the ability to cut hours for more manipulative reasons,

Some managers have their pets and the ones they like and the ones who they will give hours to. They will also be a few [workers] who wouldn't follow [act collectively] as they would be afraid in case they piss off the manager and their hours would be cut and stuff like that (Dunnes Union Activist 6).

This favouritism highlighted by Dunnes Union Activist 6 leads to another issue. In addition to the impact on workers' earnings, the actual or potential changing of hours creates a compounding injustice of fear as fear can be a source of injustice (Murphy, 2016). In the 2014 Mandate survey, 85 per cent of the respondents stated that insecurity over hours and rostering is used as a method of control by management. Again, this was confirmed by the research for this thesis<sup>50</sup>. According to Dunnes Union Activist 3, 'a lot of people are afraid of their jobs'. Dunnes Union Activist 10 concurs and states 'I think they [workers] are actually afraid'. Other Dunnes Union activists stated,

They're [workers who raise a grievance] just afraid they'll lose their jobs, management have that control in Dunnes over you (Dunnes Union Activist 5).

<sup>50</sup> As for using the flexibility of the employment contracts as a form of disciplining staff, this is confirmed by a Dunnes manager in a previous study of this company,

We would deal with some staff in a different way. If you had extra hours you wouldn't give them to them, you would make sure they only do 15 hours a week and not any more. If it was someone who was uncooperative you would give them shifts you know they can't work in an effort to push them out (Beattie, 2012, p. 39).

I think it's a fear factor from management. ... Your job could be on the line, Dunnes are very quick to hand out warnings. Because everybody is in fear for their own positions (Dunnes Union Activist 7).

Very much bully boy tactics, if you speak your mind, answer back, don't tow the party line, your hours are cut. Maybe bully boy is the wrong word but you pay the price ... [Management would] change your hours, don't give you days off you asked for, crap job, sweep the floor, you get your punishment and you are as well off to take it. Then it's done and dusted (Dunnes Union Activist 9).

Sometimes if there was a lot of bullying going on over the overs and unders [cash register errors] and absenteeism, people should get together but they're all talk and won't do it when it comes to it. ... They're afraid for their jobs, even members of Mandate, won't stand up to management, absolutely won't. ... They'd be afraid they'd get worse hours and there would be more pressure put on them. Basically they are afraid for their jobs, they could set you up with your overs and unders, things like that, picking on you for the slightest little thing (Dunnes Union Activist 8).

The only thing they have over us is fear (Dunnes Union Activist J).

Sensitising (Sarantakos, 1998) the concept of justice regarding workers having greater control over rostering of hours produced a range of responses during the interviews. At one end was scepticism,

I don't know if that would work to be honest because there could be conflicts between staff (Dunnes Union Activist 7).

While opposition to greater control was only mentioned by one respondent, more common responses were in favour with two respondents not holding out any optimism,

We would love to but we have absolutely no say in the way our rosters are done up (Dunnes Union Activist 11).

That would be great but I can't see that ever happening (Dunnes Union Activist 10).

It would make sense that you have a bit of control, say what suits you, then you wouldn't be ringing in sick, looking to change things at the last minute but that will never happen (Dunnes Union Activist 9).

The data suggest that the most common source of injustice in Dunnes is the issue of hours and this is used as a control factor by management. This in turn creates a regime



of fear that impacts on any potential mobilization against the injustice, as the fear of management reprisals (exercised under the guise of contractually flexibility) is omnipresent.

### **Dunnes – Common Identity**

Unlike Tesco<sup>51</sup>, union membership in Dunnes is voluntary for individual sales assistants. This provided an opening to ascertain why individuals joined the trade union in the first place. Some joined for family or friendship reasons,

My father would kill us, all my sisters and brothers are in the union (Dunnes Union Activist 2).

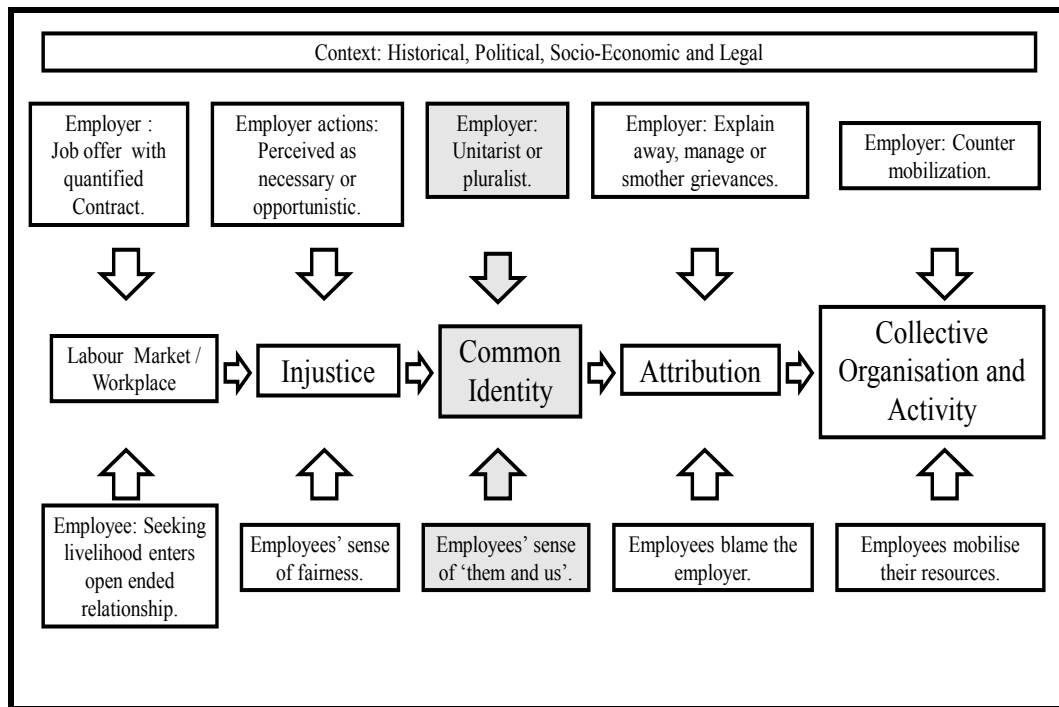
Because I married a very strong trade unionist (Dunnes Union Activist 10).

I've always been in unions, my father was a [names occupation] and was in the union and when I started work he said to make sure I got into whatever union was in the job (Dunnes Union Activist 11).

Just cos I was there awhile ... most of the girls I knew were in the union (Dunnes Union Activist 4).

Other reasons offered were far more in tune with Mobilization Theory's concept of injustice (see shaded area, Figure 15).

<sup>51</sup> Until recently due to Project Black.



**Figure 15. Dunnes – Common Identity**

Source: Author

The following responses provide other reasons why workers in Dunnes join Mandate in Dunnes,

Because staff were being treated badly by management and were being ignored (Dunnes Union Activist 7).

The way I was being treated and the way things were going at the time with management, the way people were being treated and I could see the way they were going so I decided to join the union for my own protection (Dunnes Union Activist 8).

When the dispute was going on over the African fruit in Dublin. ... The majority would have joined at the time. ... wanted to have some bit of clout plus we had great respect for the union (Dunnes Union Activist 1)

The reason that issues are never solved unless you have the back up of the union [However, this activist went to state that other Dunnes workers] join on an individual basis and I've tried telling them how it works but I might as well be talking to the wall (Dunnes Union Activist 5).

However, the common identity component of Mobilization Theory is broader in scope than just joining a union. This is very visible in Dunnes. Dunnes Union Activist 2 provides the following example,

Yeah, even when I started, when we did have a canteen, there was a table and that was the managers table and there was a young man who had started and he sat beside me and I looked at him, he said hi, he was a manager and I said to him you are sitting in the wrong place and he said why? I said that the managers table [pointed] and look at the dirty looks you are getting but he stayed, he didn't know. After that he sat at the [managers'] table. I don't know if he was told or followed my advice because they were giving him dirty looks.

Another example is in relation to the strike in 1995, where Dunnes' workers who had applied to become part of management, passed the picket line,

They were people who were going for management and felt they had to go in [pass the picket] and Dunnes Stores turned around afterwards and wouldn't allow them to go for management ... One individual who came back and told us afterwards what was said to him, he was still an employee not management and wasn't part of the picket, he wasn't loyal to his own friends so wouldn't be loyal to them [the company]. Their explanation to him, he wasn't a team player (Dunnes Union Activist 1).

While the above quotations show demarcation between management and workers in the company, the concept of fear reinforces this demarcation. For example, Dunnes Union Activist 4 sees a link between this fear factor and common identity,

Fine when things are going right but if somebody clocked in with their coat on then they are hauled upstairs ... you know what side of the fence you are on then.

In a response to an interview question in relation to employee voice at the board of directors' level, Dunnes Union Activist 11 articulates (without prompting) her view of the them and us divide,

Dunnes wouldn't let anybody from the shop floor, us lowly people, have anything to do with the board, we are the riff raff in there.

In reply to a similar question about employee voice at board level, one interviewee linked Margaret Heffernan's charity work (see above) to a sense of common identity for Dunnes workers,

They want their own control, it just won't happen, never see it happening, when someone is 25 years with the company, you have photographs in staff magazine, whether they think it boosts morale or whatever. You know the People in Need thing they had every four years and Margaret Heffernan was

chief bottle washer, and they have these t-shirts that we are supposed to wear, I never wore it because as far as I'm concerned, we are the people in need (Dunnes Union Activist 4).

This data suggests that a separate identity is tangible between Dunnes management and workers, it does not automatically translate into a common identity among the workers, as one Mandate official observed,

The Polish members passed the picket, but not as individuals, they had a pre-strike meeting. Union and non-union and decided collectively that they would not support the strike.

However, most interviewees articulated the view that in Dunnes, it is more a divide along the lines of *them and me* as opposed to *them and us*,

I think in recent years I think the company are very good at keeping people as individuals instead of the collective. Certain individuals will get exactly what they want. It's a case of I am alright sort of Jack, don't worry about the big picture as long as I can get my weekends off every weekend (Dunnes Union Activist 6).

The older ones, including myself, are able to stand up for ourselves, we know our rights, we know how far we can push. But the younger ones coming in haven't a clue, they're not able to stand up for themselves, they're only kids and its daunting having to tackle a manager and I know we should be stepping in for them but I want my time off at Christmas (Dunnes Union Activist 9).

While you have no respect for them, you can't show it, trying to stay on the right side, to keep your head down, don't highlight yourself at all. Afraid, that's how you would word it, if you want one word, afraid (Dunnes Union Activist 13).

However, this interviewee immediately went on to state,

If the issue is strong enough the workers will stand together (Dunnes Union Activist 13).

This quotation supports Kelly's (1998) assertion that *injustice* can lead to workers mobilizing in *collective organization and activity* as the strikes of 1995, 1996 and 2015 show. However, the three previous quotations (Dunnes Union activists 6, 9, and 13) also lead to a conclusion that some union activists in Dunnes keep their head down in a tacit understanding that their own hours will not be altered.

Other data uncovered in this research does show that Dunnes have somewhat attempted to undermine the formation of employees' common identity. Some Dunnes union activists remember that prior to the strikes in the 1990s, Dunnes was a lot more formal as managers had to be addressed as Mr or Ms 'or you would be half way out the door like' (Dunnes Union Activist 1). More recently, with regard to the strike in 2015, one activist stated at a union meeting,

Our managers don't wear suits anymore. They now wear open shirts with no ties since the strike (Dunnes Union Activist J).

Another example of management using a unitarist approach to thwart mobilization was expressed by one interviewee,

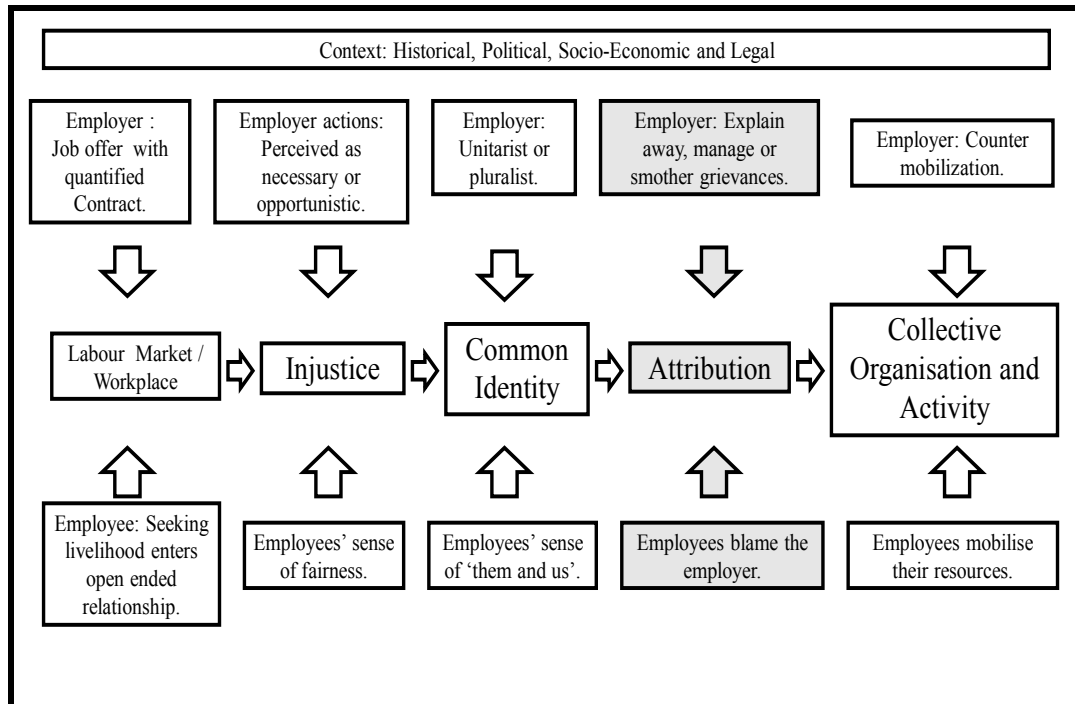
Or maybe the day we were going out at Christmas time, I can't remember the exact details but I do remember they [management] were like please please... they were putting it to you that you would harm the company and harm jobs kind of thing, that was the kind of angle it was coming from. Make us kind of feel guilty for doing it you know but they still weren't giving us what we were entitled to (Dunnes Union Activist 1).

As mentioned above, Dunnes do facilitate union subscriptions by check-off, but will not mention Mandate on the pay slips. Any symbolism of workers' sense of a separate *common identity* is suppressed,

I had been pulled on my badges, to not wear them and you know the little red and blue one [a previous Mandate badge]. I had two, a [religious symbol] and the new [Mandate] one with the things on it. I was like military [medals] across my chest and they spotted them. I was told take off all the badges. ... Nothing ever mentioned, when I had only the [religious symbol] (Dunnes Union Activist 2)<sup>52</sup>.

The data suggests that, historically, Dunnes' management were more formal and a separate entity but, more recently Dunnes management have attempted to alleviate this demarcation. Nevertheless, the staff still view themselves as a separate entity. This does not automatically result in a sense of *common identity* as the fear of management retribution fragments a greater sense of worker solidarity. The attribution of this fear of management retribution is where we now turn (see shaded area, Figure 16).

<sup>52</sup> Dunnes dismissed a union activist in 2006 when she refused to take off her union badge. The issue was raised in Dáil Éireann, Westminster and the Scottish Parliament and messages of support came from all over the world. Dunnes shops throughout the country were boycotted and Crumlin people refused to pass the solidarity pickets at the Ashleaf store. The dismissed activist was re-instated.

**Dunnes – Attribution****Figure 16. Dunnes – Attribution**

Source: Author

Mandate (2018) documents show that Dunnes' attempt to smother individual grievances and collective issues. When a union official writes to a local Dunnes store manager in accordance with the agreed procedure for resolving disputes (Appendix 5), the reply from Dunnes is a standard letter,

Dear [Ms./Mr. Official's surname], We acknowledge receipt of your letter dated [date] with regard to [Ms./Mr. employee's surname or name of store]. Should staff have any issues they should raise them with myself in the first instance (see Appendix 6 for examples).

From this, it is clear that Dunnes will not acknowledge the existence of a specific grievance and hide behind an implied accusation that the union member/s did not raise the issue in accordance with the agreed procedure. However, the data demonstrates

that issues do exist. However, only two activists place the blame for workplace *injustices* mostly on local management,

It usually depends on who comes in [as store manager] (Dunnes Union Activist 6)

A lot of the blame, 70 per cent of the blame is on local managers in our store anyway. ... If you say something to him [store manager] like why are you doing this he would say head office required that. But if head office said do something, he will go further on what he has been told to do off his own bat. A lot of the problems at the moment are down to local managers (Dunnes Union Activist 12).

The majority of the interviewees and informal focus groups however identified Dunnes head office as the cause of the *injustices*,

In all fairness anyway, in Dunnes their right hand doesn't know what their left hand is doing. I don't think even head office knows half the time what's going on in the shop. There is some eejit [idiot] there making decisions that probably never put their foot inside Dunnes Stores in their life. You can't do this and you can't do that and if you say that won't work, it doesn't matter, head office said it. Sounds silly I know, but they do come up with things every now and again. It can't be done this way it has to be done that way. You've been doing it for the past ten years and it's worked and somebody gets up one morning from head office and change everything, makes life awkward for everybody and comes up with these stupid suggestions that last maybe half a day and then we all go back to normal (Dunnes Union Activist 11).

Implementing policies for silly little things and these new rules they [head office] bring in (Dunnes Union Activist 8).

Head office, big time. They brought in this new fella and all this happened since they brought him in, this new fella came in from [names different supermarket MNE] and everything is cut, cut, cut, cut (Dunnes Union Activist 11).

Two long serving activists gave examples of the culture in Dunnes over the years, regardless of who was the local store manager at the time,

Say if you had a student who wanted to come in and were available for evenings/nights, I was a mother with a family to look after so suited me to be there earlier in the day when they [my children] were in school but they would roster the student to work mornings and roster me for evenings just to be awkward. ... I could never figure that out, made it awkward for themselves. People would give up, can't work these hours whereas if they just swapped hours with people, never made any sense to me (Dunnes Union Activist 1).

When I went for my interview, they asked me where would I like to work and I said the [names a department] and that's the only part of Dunnes I've never worked in. I've worked in every single department except the [names department] and that's the one I asked for. ... You don't tell them what you like because if you do you won't get it so you keep your mouth shut and hope for the best. I didn't know that when I went for the interview, if I did, I would have said the off license and I probably would have got the [names department] (Dunnes Union Activist 11).

In reply to questions about local management attempting to convince employees that everybody is on the same team, one interviewee's reply sheds some light on the Dunnes regime vis-à-vis local management interaction with head office on staff issues,

At the communication meetings, we have one every month. I haven't been at one for about 3 or 4 years because I talk too much. They have to have them, a couple of the managers and [some] staff and if you voice your opinion too much or talk too much you won't be invited again. Because a copy of the minutes are sent to head office, supposed to go on the notice board but everyone reckons they [local management] edit the minutes to suit themselves to make themselves look ok. ... That's who they [local management] live in fear off (Dunnes Union Activist 4).

Mobilization Theory states that employees must blame an agency (their employer or the state) for an *injustice* as opposed to an uncontrollable situation such as the market (Kelly, 1998). One interviewee highlighted that Dunnes management's attempts to deflect blame from the company in such a fashion,

But now it's gone ridiculous and I think they are using the recession for everything, if I hear it once more, you know you are lucky you have a job. They are lucky they have us (Dunnes Union Activist 11).

As regards the State as a source of *attribution*, one activist holds that legislation, which was introduced to protect workers, is in effect a failure,

It's to do with the employment law. It is the system itself, there are a lot of guidelines there for employees but when challenged there is nothing at the end of it. It seems to go in the employers' favour (Dunnes Union Activist 7).

Only one interviewee held that the reason for the weakness of employment law was a result of the State being beholden to the capitalist system,

It would be brilliant if they [politicians] actually listened to the workers but they might as well work in [Dunnes] head office as well (Dunnes Union Activist 11).



While some interviewees blamed local management or the State for injustices in Dunnes, the data gathered holds that the vast majority of the *attribution* is focused on Dunnes' head office. However, one interviewee blamed fellow union members for not fighting the *injustice*,

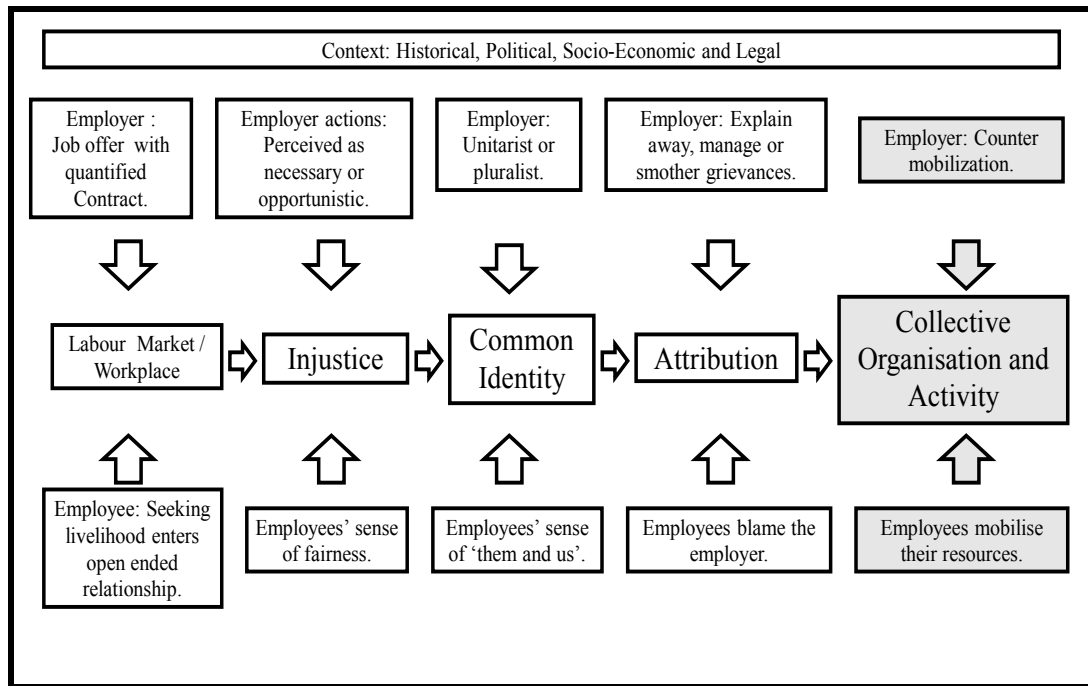
They [union members] don't seem to understand how the union works, they seem to think if you got a problem, ring up John [union official] and he'll get on to Dunnes and he'll sort it but I keep telling them you have to try and sort the problem yourself and if there is no satisfaction there then you bring in the union and work from there on ... I really don't know, I've told them they are wasting their money being in a union when they're not prepared to do anything about it. But they seem to think there is an issue, ringing up John and saying there is an issue with the heating, will you sort it. But that's not how it works and I'm sick telling them that but it's like water off a duck's back, all the money they could have saved [not] paying into the union (Dunnes Union Activist 5).

While another activist *attributed* blame to the union itself,

How bad would it have to get? It's very much I'll fight my battle it doesn't affect you and then when it's your turn you fight it, it doesn't affect me. I do feel the staff feel there is no point going to a union to be honest with you. ... We feel that the union is a case of stand your ground and if you lose your job, we'll back you (Dunnes Union Activist 9).

One senior Mandate official summed up this criticism by stating 'looking at past disputes [strikes], sometimes it came down to the members hating Dunnes more so than they hated us' (Mandate, 2018). This reference to past disputes is now examined (see shaded area, Figure 17).

### Dunnes – Collective Organization and Activity



**Figure 17. Dunnes – Collective Organization and Activity**

Source: Author

As this thesis uses the Industrial Relations Act 1990, Section 8 deliberately wide definition of industrial action for Mobilization Theory's concept of *collective organization and activity*, such activity is not limited to engaging in strikes. Other forms of collective activity such as commenting on a union Facebook page to sitting in the store canteen because the shop floor is too cold are, therefore, within scope. However, the data gathered suggests that fear of management reprisals mitigates against Dunnes' workers individually engaging in collective activity. For example, Mandate has set up a Facebook webpage where Dunnes' members can comment on the DDWC,

Most use Facebook, some use Twitter. Some people are afraid to like on Facebook (Dunnes Union Activist I).

Another example of Dunnes' management using fear against individuals to thwart *collective activity*,

I don't know because we had a union meeting at one stage and everybody agreed on one scenario and we all agreed to write a letter and sign it and then after the meeting I was informed about two people who stayed back and took their letters back because they were afraid. So, I mean what business has the likes of them in a union meeting, that's what you're dealing with, oh god my husband will kill me if I get the sack (Dunnes Union Activist 5).

Where Dunnes' workers sign a petition, management have smothered its effect by approaching each signatory,

I can't remember the exact grievance because we had such a list of them but I do remember them [management] doing that, going around individually to people even though as you said it would have been a collective, I can't remember exactly which one [grievance] it was but I remember them [management] going individually to people. They get you to the stage you'd nearly be apologising to them or your hours would be cut or they would put you on a roster for hours they knew you couldn't do or hours you didn't like doing (Dunnes Union Activist 1).

A more physical visible expression of collective activity would be workers walking off a job in response to lack of adequate heating. But again, the fear factor mitigates against this, even though workers have a legal entitlement to do so,

No, they just won't come together, they say what's the point, we can't do that or we'll get into trouble or get the sack, they're like a pack of school kids, they're all afraid of the manager ... Because most of the employees in there are afraid to open their mouth about any issue, they're afraid they'll get the sack, for instance with the heating issue, there maybe two years ago. I had done my homework and I know if it was supposed to be such a temperature and if it fell below that we were entitled to go up to the canteen where we would be warm and we couldn't be sacked but nobody would stand by me and I can't do this on my own (Dunnes Union Activist 5).

Dunnes Union Activist 4 was frustrated in that members were afraid to engage in union activity in their own time such as attending union meetings,

I'll be in on Monday and see how many will go to the [union] meeting, like where do we go from here if you can't get them to go to a meeting. Tuesday morning all I hear is, [names herself] sorry I couldn't make the meeting, what happened? They would tell you the morning after [the union meeting] that oh I forgot all about it or I couldn't come, what happened?

This was demonstrated in some of the strike ballot meetings prior to the 2015 strike. Some meetings were disproportionally dominated by full-time employees, as part-time employees were reluctant to attend. Comments that were passed included,

Why are we being asked to go on strike for banded hours, when the majority of the part timers can't even bother turning up here tonight to vote (Dunnes Member A).

However, another activist (a part-time worker) had a different explanation for low attendance at union meetings after work,

If we had our union meeting in the pub there were always people who couldn't go because they had to work until 10pm so you might get 16 at the meeting and the others, nobody would turn up, far away from work [long commute] or something (Dunnes Union Activist 2).

However, Mobilization Theory's concept of *injustice* can lead to workers engaging in *collective action* and this was borne out in relation to an issue where Dunnes forbade employees parking their cars in the store's car park,

The car parking thing, when push came to shove, we are all sticking together, we didn't care, we all parked in the far end of the car park. Sometimes we looked out the window and could see 10 or 12 cars in a line belonging to staff and nothing else in that whole area, 60 car spaces free, [we] put their feet down over that (Dunnes Union Activist).

While the data gathered suggests that individual employees are frequently afraid of engaging in *collective organization and activity* most of the time, the local management are also afraid of a strong union in their stores,

If a letter appears from Mandate, they are terrified a copy will go to head office and it's a bad reflection on them [management] instore. I know that if one of the managers is rude to staff the other managers would say the union is pretty strong in this store (Dunnes Union Activist 4).

In one store with a reputation for well attended meetings, the members would tell the union official at the meeting that the store manager had already dealt with the issues in dispute, as he knew a union meeting was being organized. While interviewees and focus group participants have interaction with their own store management, they are not privy to communications between store management and head office. One exception, however is an email from Dunnes Union Activist K to Mandate while the union was balloting for the 2015 strike,

Hi (Names Mandate official), thank you for your text, I took advantage of the situation. I have seen a handwritten note of instructions which a manager had written, probably from a phone call. The purpose for the [communication] meetings was to see how serious each store is about what we were after. The managers were instructed not to tell us anything if they were asked, and to just pull information from us. All the main union members were to be there including most importantly the shop steward (this was specified!). They were also instructed to tell us how we must stick together for a tough 2015 economically (they didn't actually overdo that one).

This would suggest that Dunnes' head office is concerned about the union and according to Dunnes Union Activist 11,

Yes, definitely. I think it's a great thing that there is a union there and Dunnes knows the way the union works as well but it's one of the reasons why 99 per cent of the people in our shop is in the union.

In conclusion, fear is a major factor in the industrial relations regime in Dunnes when examining workers engaging in collective action. Individual employees, particularly part-timers, are afraid of managerial reprisals at store level, but also local store management are afraid of Dunnes' head office and head office, in turn, is at times afraid of workers engaging in collective action.

## **Conclusion**

This chapter provided a brief summary of Dunnes' origins; an inter-generational handover that had no consequence for the company's industrial relations practices and an intra-generation boardroom takeover that resulted in the removal of any pretence towards industrial relations pluralism. This was facilitated by the state's industrial relations structure built on nineteenth century voluntarism, and twentieth century judicial constitutional interpretation, both outlined in Chapter 4. However, Dunnes removal of the pluralist approach was not instantaneous and this required the chapter to outline the transition. As such this transition provided the setting for this thesis's sub questions and the resulting data are presented in a thematic manner focusing on *injustice, common identity, attribution and collective organization and activity*. The findings show that even in the case of employees' fear of employer retaliation, workers do occasionally collectively mobilize in response to perceptions of injustice and employer exploitation.



## CHAPTER 7, INTEGRATED FINDINGS AND CONCLUSION

### Introduction

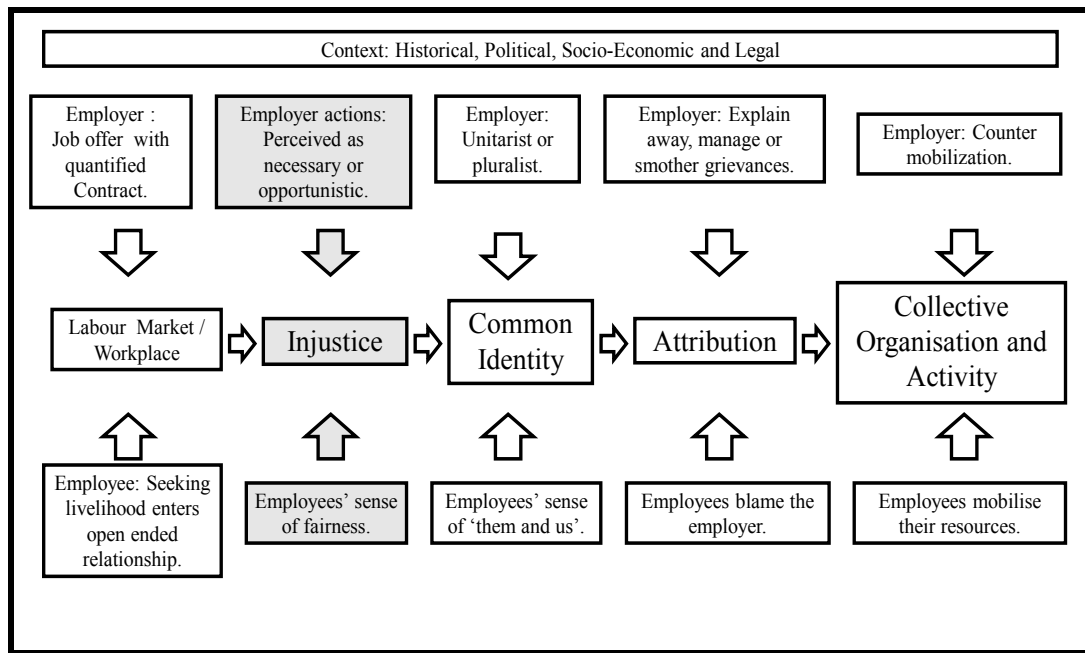
As shown in Chapter 1, the motivation for this study arose from a number of overlapping reasons. The retail sector is under-researched within scholarly industrial relations literature (Bozkurt and Grugulis, 2011; Tormey, 2002) and although Kelly's (1998) *Rethinking Industrial Relations* has been cited 1,400 times since its publication (Holgate *et al*, 2018), it has not been previously utilised in a retail setting. In light of these realities, this thesis helps to narrow this academic gap. Chapter 1 also justified why the two research sites were chosen: their size, and the fact that the once more pluralist Tesco and the once less unitarist Dunnes provided a spectrum to cover the range of perspectives on employers' industrial relations ideologies. Against the broader theoretical framework of industrial relations as set out in Chapter 2, the subsequent critiques of Mobilization Theory and Social Movement Theory (its theoretical source) necessitated a reconfiguration of the various, vague and conflicting models into one conceptual model (Figure 5). This new model formulated on the themes of *injustice*; *common identity*; *attribution* and *collective organization and activity*, was used to develop the research questions. Chapter 3 set out the theoretical approaches to the methodology and the methods selected in gathering the data and especially the significance that the union I work for has members in both research sites and this provided unique access. The chapter also showed how the data was gathered and analysed. Chapter 4 contextualised a trade union perspective on Irish industrial relation from a historical, political, socio-economical and legal basis. The chapter then expanded on recent developments regarding Irish labour law and finished with information on gender percentages in Irish employment both full-time and part-time, some sectors, other union organizations, Mandate and Mandate members in the research sites. Chapters 5 and 6 presented the data as obtained in Tesco and Dunnes regarding their industrial relations practices respectively, as perceived by workers. This was discussed in a thematic manner as per the research sub-questions. Chapter 7 now integrates the findings and highlights the main similarities and differences

between the two research sites in order to answer the overall research question: how and why do workers collectively mobilize in response to perceptions of injustice and employer exploitation? This is followed by a discussion on the integrated findings. This chapter then presents the academic contribution and limitations of the thesis. The conclusion of the thesis *inter alia* is that the utility of Kelly's (1998) Mobilization Theory lacks predictability due to its overlapping modules and conflicting variables. However, this thesis finds that Mobilization Theory, when used in an application approach, has explanatory utility. The chapter concludes with suggested areas for further research.

### **Injustice in Tesco and Dunnes**

The first subsidiary research question asked what are the main sources of injustice (if any) and employer exploitation as perceived by union member (Figure 18)? The findings of the study found that the predominant perceived injustice in both sites is the scheduling of hours and particularly the amount of hours. As discussed in Chapter 2, labour market inequalities (Pencavel, 2009; Gospel and Palmer, 1993) create the conditions that forces some workers to engage in involuntary part-time employment (Rubery *et al*, 2003). While *injustices* in both companies are similar they are now analysed in relation to the different industrial relations regimes in each company.





**Figure 18. Injustice in Tesco and Dunnes**

Source: Author

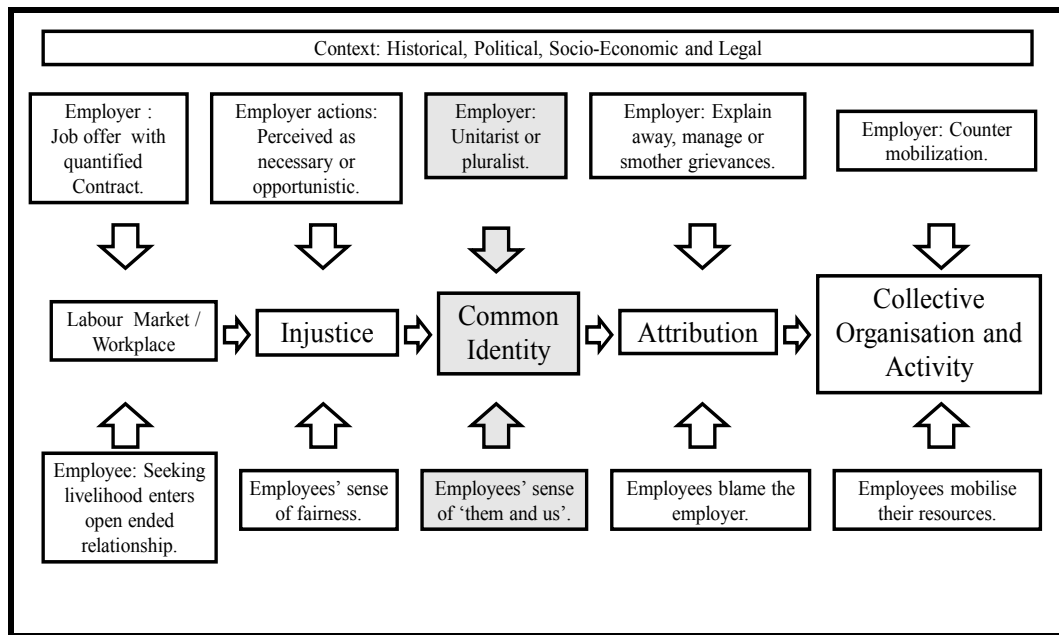
At Tesco, the findings chapters have shown that the main *injustice* was management's control over rosters and to a lesser extent issues over wages. Using Bryman and Bell's, (2011, p. 475) suggested 'facesheet' these findings can be contextualised as the former was more common in more recently opened stores and/or stores with a large Post-1996 flexible workforce. From a Mobilizing Theory perspective, the ability for workers to address these perceived *injustices* over rosters depended on the presence of a strong shop steward (a leader) and an individual part-time worker who was willing to challenge management by complaining about such issues rather than merely tolerating the dissatisfaction. The latter observation supports Cox *et al*, 's (2007, p. 722) findings that issues such as pay are more conducive to creating a collective stance; in contrast, hours of work and rostering are more problematic as they are 'almost infinitely customizable' to the individual worker. However, an individual Tesco worker with a grievance over their roster would have recourse to a procedural agreement for resolving disputes.

Similarly, the main *injustice* in Dunnes was rostered hours. However, there is no Banded Hours agreement at Dunnes, only the 15 hours minimum agreed after the 1996 strike (Appendix 4). In Dunnes' letter to its staff prior to the 2015 strike, the company

claimed that these flexible contracts ‘are freely entered into’ (Mandate, 2018). This is what Evans and Hudson’s (1993) describe as ‘standardized packages individually wrapped’, creating a notionally free contract that is no more than ‘a command under the guise of an agreement’ (Kahn-Freund, 2009, p. 28). The findings also suggest that Dunnes’ management use rostered hours to create a climate of fear by using their control over working hours to discipline part-time workers. Unlike their union colleagues in Tesco, Dunnes’ workers, while in scope of a collectively negotiated grievance procedure (Appendix 5), it is non-functioning due to frustration by Dunnes management (Appendix 4 and 6). Therefore, an aggrieved Dunnes’ worker seeking redress for an *injustice* must wait until pent up anger over an *injustice* is common enough among their fellow employees for the mobilization process to go to its next step – the building of a *common identity*.

### **Common Identity in Tesco and Dunnes**

The second subsidiary research question asked how does a sense of common identity develop among union members (Figure 19)? Due to the fact that Mandate (and to a lesser extent SIPTU) have union members and union activists in both Tesco and Dunnes, it is argued that a sense of *common identity* already exists amongst some employees in these two organizations.



**Figure 19. Common Identity in Tesco and Dunnes**

Source: Author

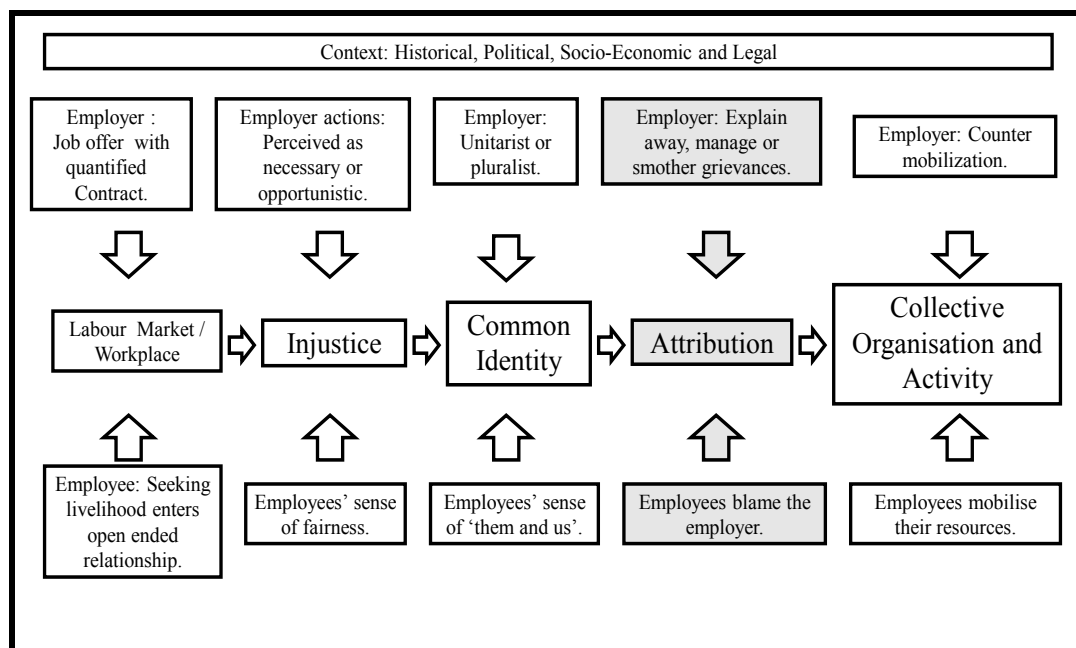
However, in Tesco, as reported in Chapter 5 a greater sense of *common identity* was undermined by the Pre-1996 and Post-1996 divide. Since 2017, Tesco introduced a union-busting campaign called ‘Project Black’ which attempts to marginalise union influence within the organization and removed the closed shop arrangement. Previously, many Tesco employees became union members through apathetic consent rather than out of a sense of *common identity* with union colleagues. Consequently, this resulted in the union having a membership of conscripts as opposed to volunteers until 2017.

By contrast, union membership in Dunnes has always been voluntary. However, management made it clear to workers that unions are not welcome in Dunnes and many workers feared having their hours cut in retaliation for union activity. This supports Murphy (2016) and Murphy and Turner’s (2013) assertions that fear is a source of discouragement on union activity. Individual fear tends to create a solitary identity of ‘them and me’, as opposed to a *common identity* of ‘them and us’. However, in Dunnes individuals do still join the union and some go on to become active in order to address some of the problems faced by workers due to labour inequalities and the power imbalance of individual employment contracts. Data also revealed that some

groups of workers share a *common identity* that pre-exists in some stores in both organizations around the issue of national identity. While not the thesis' deliberate focus, this data shows examples (although not sufficient to generalise) of Polish workers in two stores in Tesco deciding in a collective manner to support fellow union colleagues in a dispute and the Polish workers in one store in Dunnes collectively deciding the opposite.

### Attribution in Tesco and Dunnes

The third subsidiary research question asked to whom and why do union members attribute blame (Figure 20)? The findings show that the focus of *attribution* depends on the industrial relations context.



**Figure 20. Attribution in Tesco and Dunnes**

Source: Author

In Tesco, the data initially revealed that union stewards and members attributed blame to individual managers. However, over time, this *attribution* shifted to the company as a whole as Tesco responded to the changing economic situation since the 2008 economic crisis and this was perceived by workers as opportunistic. This shift of attribution to the company itself was further reinforced when the *Irish Times* reported

that Tesco's profit margins were significantly higher in Ireland than across the rest of the company (Cullen, 2009). This is significant to our understanding of Mobilization Theory as the change of focus of *attribution* is something which has not received adequate attention elsewhere. The most obvious example was the dispute in April 2009, when union members in Tesco across Ireland, regardless of their own interaction with their store management, engaged in collective activity in support of the Pre-1996 workers in Douglas, Cork and blamed Tesco as a company for opportunistically generating the dispute. Mobilization Theory explains why individual workers not directly and/or immediately affected, would be prepared to engage in collective activity due to the process of framing an issue by leaders (Benford and Snow 2000; Darlington, 2006; 2009; Kelly, 1997; 1998; Klandermans, 1984a).

The data collected in Dunnes showed that most activists consistently blamed Dunnes' head office. Though there were some exceptions; two blamed individual managers (Dunnes Union Activists 6 and 12), one blamed fellow union members for not acting collectively themselves (Union Activist 5), and one felt there was no point going to the union (Dunnes Union Activist 9). While this *attribution* can be contextualised by others who commented that the source of injustice is 'the system itself' for the weakness of Irish employment law (Dunnes Union Activist 7), others reinforced this view, remarking that the legislators 'might as well work in [Dunnes] head office' (Dunnes Union Activist 11). The responses from Dunnes Activists 7 and 11 concur with Farnham (2000), Hyman (1975) and Miliband's (1969) analysis of the state as being at best neutral on the side of capital as discussed in Chapter 2. This weakening of state neutrality and/or support for pluralism has accelerated in the closing decades of the twentieth century (Heyes and Nolan (2010).

This trajectory was confirmed with the secondary data collected regarding Dunnes. noting Wallace *et al.*'s (2004) argument that the values and philosophy of the entrepreneurial founders of Irish indigenous firms influence the industrial relations styles adopted by such firms. In that sense, as seen in Chapter 6, Ben Dunne senior had 'the reputation of being tough in trade union negotiations' (Whittaker, 1983, p. 14) and his son Ben Dunne junior 'was tough but you could do business with him' (Fitzgerald, 1996, p. 11). However, Dunnes' more recent senior management have

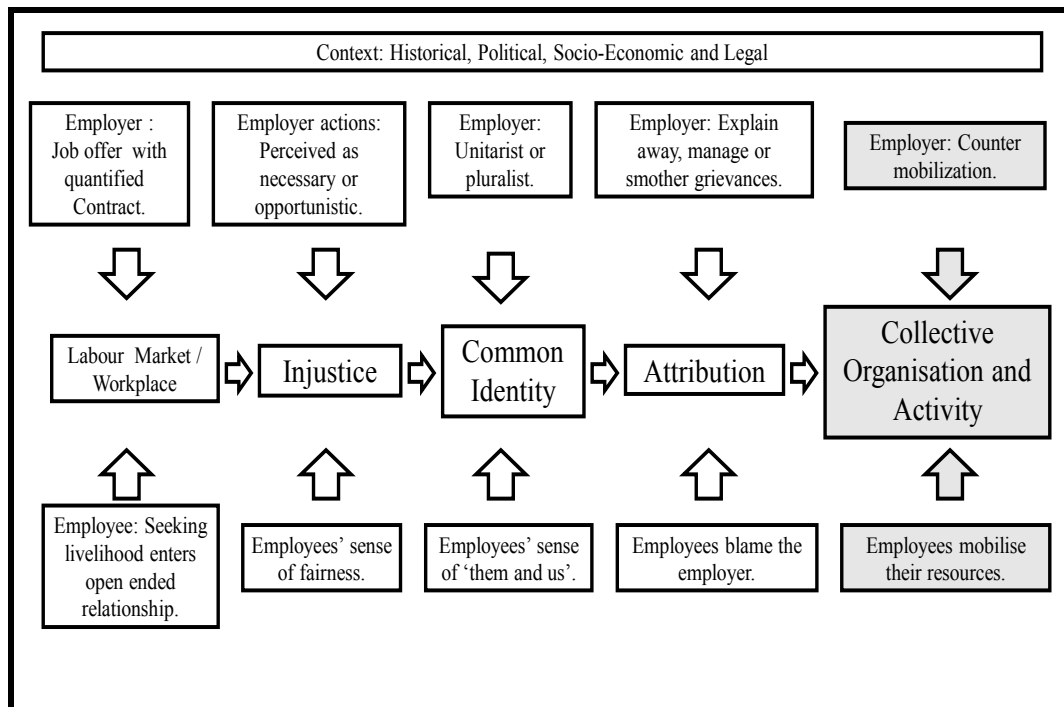
taken a complete anti-union approach and ‘simply do not want to give any role, or power, to any third party such as the Labour Court or the Labour Relations Commission’ (Keena, 1996, p. 12) or unions (Chapter 6). Dunnes’ general disengagement in attending third parties for resolving disputes escalated under Margaret Heffernan’s control (Appendix 4) and the disengagement from engaging with unions cumulated in the letter of the 4<sup>th</sup> of February 2015 when Dunnes, for the first time, formally declared to its employees,

Dunnes Stores, similar to many substantial companies that operate in Ireland and internationally, do not engage directly with Trade Unions (Mandate, 2018).

Dunnes’ trajectory from adversarial engagement to complete disengagement can be contextualised against the era of class compromise (Wright, 2000) and state and employer acceptance of pluralism (Goldthorpe *et al*, 1992; Roche, 1992), to both quietly dropping support for pluralism (Roche, 1992, p. 320-321), to the increased hostility of employers and the state to unions and collective bargaining (Kelly, 1998; Martínez Lucio and MacKenzie, 2018).

### **Collective Organization and Activity in Tesco and Dunnes**

The final research question asked what collective action do trade union members engage in (Figure 21)? The two most significant instances of recent collective action in Tesco, prior to the field work for this thesis were the 2001 nationwide one-day strike and the 2009 one-day strike in a Cork store with members in other stores collectively engaging in a campaign in support. In Dunnes, the most significant occurrences of collective action were the two strikes in the 1990s and the 2015 one-day strike. However, as Table 3 maps out strikes while more frequent in Dunnes, are the exception in both companies.



**Figure 21. Collective Organization and Activity in Tesco and Dunnes**

Source: Author

As cited previously, Offe and Wiesenhal (1980, p. 80) emphasise that unions need, in addition to their members' willingness to pay, is active participation and 'as a final resort, the willingness to go on strike'. Until 2017 in Tesco, as a consequence of the closed shop, the 'willingness' to pay was automatic. However active participation was not guaranteed as members could see themselves as clients or customers willing to pay a subscription into what Blyton and Turnbull (2004) and Heery *et al*, (2001) summarised in Chapter 2 as a servicing union. Regarding the willingness to go on strike, the findings report that some Tesco stewards stated that individual members with little financial resources are reluctant to go on strike. Nevertheless, as shown in Chapter 5, union members' willingness to pay and actively participate was combined with the willingness to go on strike in 2001 over *the injustice* of Tesco wage rates falling behind that of Dunnes. Similarly, in 2009 in Cork, due to the perceived opportunistic behaviour of Tesco, many union members not directly and/or immediately affected, increased their active participation and, in the particular store, Post-1996 members (with their Pre-1996 colleagues) went on strike.

In Dunnes, Offe and Wiesenenthal's (1980) willingness to pay is measured more accurately as union membership is voluntary. In terms of active participation such as signing petitions or attending union meetings, fear of management reprisals was the main factor. For instance, Dunnes' part-time workers can have their weekly hours cut by management by 60 per cent from 39 to 15 hours. Nevertheless, Dunnes' workers went on strike in 2015. Furthermore, Dunnes' workers, during the 1990s on zero-hour contracts, could have their hours cut by 100 percent and engaged in strikes in 1995 and 1996. Unfortunately, it was not possible within the confines of this thesis to ascertain (see Chapter 3) what percentage of Tesco workers were employed on part-time contracts in 2001 or what percentage of Dunnes workers were employed on zero-hour contracts in 1995 and 1996. Nevertheless, workers in both companies potentially faced significant cuts in earnings by engaging in collective action at that time. Therefore, although the fear of lost hours and earnings can dampen the propensity for workers to engage in collective action, such fear did not eradicate such action altogether.

As seen in Chapter 6, workers in Dunnes join the union for family reasons or because of the way they are treated by management. However, passive membership as a form of insurance may be an incentive for joining, but this needs to be understood within the context of unitarism and pluralism as discussed in Chapter 2 and voluntarism in Chapter 4. Aside from the advantages highlighted previously of union members in Dunnes acting or even their potential to act collectively, individual members are in a much weaker position compared to their colleagues in Tesco. While the union can inform and advise members on how to deal with an *injustice*, individual union representation in the first instance is denied to them by their employer and the state. In Dunnes, union members do not have access to the functioning procedural agreement (Appendix 6) or the presence of a recognised shop steward. Therefore, the individual insurance provided by union membership is limited to representation in individual conflicts of statutory rights contested at third party hearings and not individual conflicts of workplace interests contested in the workplace. As seen in Chapter 4, this results in the juridification of the employment relationship (Currie and Teague, 2015) and is an attempt by the state to use employment law to 'steer' social and economic life in a particular direction (Clark, 1985, p. 170). However, as the comparison of strike statistics in Tesco and Dunnes between 1995 and 2015 (Table 3) shows, there have



been more strikes, days ‘lost’, and workers involved in strikes in Dunnes than in Tesco in these two decades.

Mobilization Theory offers an explanation to Table 3’s statistics. In Tesco, the procedural agreement<sup>53</sup> could act as a form of counter-mobilization, as any proposed collective action might be deemed to be illegitimate ‘because procedures for resolving disputes may not have been fully utilized’ (Kelly, 1998, p. 35). The use of Tesco’s disputes procedure based on pluralism has in the past resolved disputes without Tesco workers engaging in collective action. However, in Dunnes, the agreed procedure (Appendix 5) is frustrated by the company attempting to smother any grievances raised by full-time union officials. (Appendix 6). At national level, when the union raised issues affecting members in two or more stores, Dunnes responded by claiming the union’s letter was too vague. However, Dunnes’ correspondence at local or national level to the trade unions or third parties makes no mention of the fact that Dunnes does not recognise unions. When viewed through the lens of Mobilization Theory, the only conclusion that can be drawn is that Dunnes are conducting a counter-mobilization strategy against any potential collective action by claiming that procedures for resolving disputes have not have been fully utilized. Appendix 4 reinforces this conclusion as it shows that Dunnes have complied with the agreed procedure in the past, in 1997, 2000, 2001, and 2002 in disputes over workplace *injustices*, with no subsequent collective action. However, in the 2014 case of LCR20874, the Labour Court recommendation pointed out that,

it now appears that the Company has failed to observe these procedures in dealing with the Union's claim’ (WRC, 2018, p. 2).

The issues in dispute were part of the ‘Decency for Dunnes Workers Campaign’ (DDWC). As Dunnes were held by the Labour Court to be in breach of the agreed procedures, the company’s counter-mobilization arguments that procedures had not been fully utilised were not effective in preventing the strike in 2015.

<sup>53</sup> Since Project Black, this procedural agreement is under threat by management protraction and obstruction.

### Discussion

This thesis was undertaken to study workers' collective mobilization in the two largest supermarket chains operating in Ireland. The review of the broader academic industrial relations literature (Chapter 2) and especially Kelly's (1998) Mobilization Theory assisted in focusing the study to examine unionised workers' sense of *interest*, *common identity*, *attribution* and *collective organization and activity*. These components in turn were used to formulate the research questions and are now used to discuss and reflect on the integrated findings.

The research data shows that while workers have some common interests with their employer because of their economic necessity to earn a living, they also have conflicting interests which can, at times, create a sense of *injustice*. Therefore, the findings of this thesis concur with Edwards' (1986, p. 77) concept of 'structured antagonism' in that workers in both Tesco and Dunnes are dependent on their respective employers, but that they also have divergent interests. However, the contradictory nature of dependency and divergence is more pronounced for part-time workers. Part-time workers are dependent on their employer's discretion to be scheduled for hours of work in addition to their contractual minimum. Both employers cut hours in response to fluctuations in trade, informal workplace control, and/or an individual's higher hourly wage due to the incremental pay scales. The findings of this thesis show that this led to a sense of *injustice* in Tesco, and especially in Dunnes. However, if the workers, in response to this *injustice* attempt to mobilize, they can be subject to their employer's counter-mobilization of further cuts in hours. Therefore, the initial *injustice* is tolerated out of fear of further injustice that might follow. The data demonstrated that this fear of management retribution exists in Tesco and Dunnes. This is more a nuanced phenomenon than Kelly's (1998, p. 126) 'labour surplus' or Marx's (1990, p. 784) 'industrial reserve army', in that Tesco or Dunnes have not threatened to dismiss entire workforces and replace them from the ranks of the unemployed. However, what Tesco and (more so) Dunnes can do, without any legal consequences and/or drawing any public attention to themselves is to cut the hours of a large number of their employees and roster other employees to work those hours instead. This can be implemented instantaneously, as the replacement workforce is already interviewed, trained, and contractually available as existing employees.

Therefore, both Tesco and Dunnes have at their disposal a reserve army of underemployed, already kitted out in company uniforms.

The main factor in inhibiting a greater sense of *common identity* in Tesco was the management initiated and the then union membership's acceptance of the Pre- and Post-1996 workforce divide. The creation of this two-tiered workforce has impacted on industrial relations since that time. As described above in 2017, Tesco unilaterally removed the closed shop in all their stores. This is likely to create a further segmentation of Tesco's workforce along the axis of union members and non-union members, and is likely to have an impact on future industrial relations. First, it is likely to lessen the sense of a *common identity* among the entire workforce but could, at the same time, have the potential to create a greater sense of *common identity* among the unionised workforce within Tesco. In the future, it may be more advantageous for the unions to mobilize a collective of volunteers as opposed to mobilizing a collective of conscripts.

In Dunnes, the fear of management reprisals is likely to continue to mitigate against a greater sense of *common identity*; nevertheless, individuals do still join the union. An *injustice* can create a social identity in that individual workers share a grievance and in turn see the injustice in collective terms (Stevenson, 2016). Mobilization Theory stipulates that this requires framing (Benford and Snow, 2000; Klandermans, 1984a; Upchurch and Grassman, 2015) and framing involves listening, as well as talking (Darlington, 2006). This framing process can take place between union leaders and members in the workplace or outside. With Tesco adopting a less pluralist approach and Dunnes an even more unitarist approach, for example the removal of union facilities such as access to company notice boards and not allowing union officials access to the stores for union business, the framing must be conducted external to the workplace. However, low attendance at union meetings outside work (Asher *et al*, 2001; Goldthorpe *et al*, 1968; Webb and Webb, [1920] 1950) was confirmed by the findings for this study. Furthermore, Cox *et al*, (2007) and Lawrence (1994) maintain that hours of work and their scheduling (the main injustices in both Tesco and Dunnes) are prone to individual interpretation and this can be exacerbated if an individual attending a union meeting with low attendance was hoping that there might be collective support for them in addressing their grievance.

However, with the advent of social media and member's possession of smart phones, unions are no longer as dependent on an employer providing facilities for the union. Mandate can now electronically communicate with members by sending union notices, video recordings, questionnaires and their results and engage in other forms of social networking, as it did in the lead up to the 2015 strike in Dunnes. When Mandate published the results of the 2014 Dunnes' survey, individual members could see that the main issue for 98 per cent of their fellow colleagues who participated in the survey was the stability of hours. Workers are unlikely to acquire this information if this were only transmitted through poorly attended union meetings. Therefore, with social media, a *common identity* can be created and its construction is more independent of management.

The third part of the discussion reflects on the Mobilization Theory concept of *attribution*. This needs to be contextualised first. Unlike Atzeni's (2010) case studies in two single workplaces in Argentina, the scope of this thesis was Tesco's 142 stores and 13,000 employees, and Dunnes' 144 stores and 15,000 employees. It would not be feasible for Mandate to convene a single national meeting for the membership in either company. Therefore, Mandate instead convene local store meetings for members in either company. Notwithstanding, the problem of low attendance at union meetings convened outside of work, Webb and Webb ([1920] 1950) found that such meetings can be well attended if there is some major issue. These meetings could be called as part of the framing process for a national campaign or store specific injustices. In addition to the spatial nature of the injustice, a further axis is Buttigieg *et al.*'s (2008) distinction between procedural and distributive injustices. In the strikes in Dunnes in 1995, 1996, and 2015, and the strike in Tesco in 2001, the injustice was national and distributive, and the attribution was focused on the respective company as a whole. In addition to national and distributive injustices, the findings also found evidence of local and procedural injustices, especially in Tesco. In the earlier part of the fieldwork, *attribution* in Tesco was more focused on local management breaking collective agreements and the findings show that this was more likely to be undertaken in the absence of a strong shop steward. In the latter part of the fieldwork, the *attribution* shifted to the company itself due to its perceived opportunistic behaviour. On a more theoretical level, the demise in support for pluralism and unitarism's rise from obscurity as discussed in Chapter 2, and expressed by Roche (1992, p. 320-321)

as the ‘recent revisions in the ideological and strategic positions of employers and the state’, is of concern to trade unions. Kelly (1998) states that it is unclear if it is management values that have changed over recent decades or is it that the opportunity for their expression has changed because of the shift in the balance of power between capital and labour.

The final part of the discussion relates to *collective organization and activity*. According to Kelly (1998), the *sine qua non* for collective action is a sense of *injustice*. It is shown in this thesis that injustice exists in both Tesco and Dunnes and especially over the rostering of part-time workers’ hours. It, therefore, begs the question why there is not more collective organization and especially collective action? The only answer that can be proffered on the evidence gathered in the completion of this study is the fear of management retaliation and the potential for further *injustice*. However, this claim needs to be placed in context.

As chapters 5 and 6 have shown, there was a minority of respondents that accepted that the issue of rostering had to remain a management prerogative. This minority opinion can be summarised as a sense of dissatisfaction in that *what is, is what must be*. However, Kelly (1998, p. 27) acknowledges that ‘dissatisfaction may be necessary to motivate collective action, but it is not sufficient’. It is, therefore submitted that these union activists’ ontological opinions are formed out of a foundationalist position; in contrast, the majority of respondents arguably adopt an anti-foundationalist position regarding the ‘real’ world. These activists view the problems created by managerial prerogative as illegitimate or wrong. Their view also corresponds with an interpretivist epistemological position in that it is their interpretation of perceived injustices. These philosophical assumptions concur with Mobilization Theory in that it seeks to understand how collective phenomenon such as collective action is socially constructed by activists’ interpretation of a perceived *injustice*. For the majority of respondents therefore, the dissatisfaction over rosters is a source of *injustice*, but fear mitigates against collective action.

As seen in Chapter 4, Murphy’s (1989) study of aggregate strike activity before and after the introduction of the Unfair Dismissals Act in 1977, there was significant drop in strikes over dismissals (Table 6) as, henceforth (and in accordance with

Mobilization Theory), there was an alternative and legitimate procedure to contest dismissals. This juridification of industrial relations is, according to Clark (1985, p. 170), the State's use of the law to 'steer' social and economic life in a particular direction. However, in contrast to the State providing a statutory procedure for a dismissed employee, there is no protection for a part-time worker against significant reductions in their customary hours built up over time. An individual worker can only be dismissed once from a particular job, which in effect is a 100 per cent cut in their hours. However, a part-time worker can have their hours cut by 25 to 60 per cent in Tesco and Dunnes, respectively. This is significant because such cuts in hours can be on a permanent basis or every second week, or any frequency in between. If a part-time worker seeks legal address from an external third party such as the WRC or the Labour Court for this perceived injustice, management are able to cite the defence that they are only acting in accordance with the employment contract they offered and the individual worker *freely* accepted. So, part-time workers, as 'legal subjects' (Currie and Teague, 2015, p. 365) seeking to challenge the injustice of their contracts – that are 'standardized packages individually wrapped' (Evans and Hudson, 1993, p. no page) – are inevitably disadvantaged. This legal disadvantage arises because of workers' initial inequality vis-à-vis an employer in the labour market (Gospel and Palmer, 1993; Ironside and Seifert, 2003).

As discussed in the literature review, the law in capitalist societies deliberately and incorrectly views both the buyer and seller in the labour market as equal and free parties. This is a legal fiction because the freedoms on both sides are different. As detailed in Chapter 4, there is a difference between positive and negative legal freedoms and philosophically these freedoms are referred to as *freedom from* and *freedom to* (MacCallum, 2016; Miller, 2016; Solomon and Higgins, 2010). In the labour market, one party to the contract – the employer – has freedom *from* hunger, homelessness and so on because of their capital. Their capital also provides them with the freedom *to* set up their business and choose which workers and how many to hire from the labour force. The other party to the contract, the worker, because of his/her lack of capital, does not have the same freedom *from* hunger, homelessness and so on and this affects any freedoms *to* choose they may have. While this imbalance can be mitigated by the provision of a social welfare system, it is in the state's and employers' interests that the welfare system does not become a disincentive to work. This

disincentive would arguably result in capitalist societies being unable to force workers to *freely* accept the type of employment contracts that are the source of injustice for many workers. As seen in Chapter 2, Duesenberry (1960) attempted to distinguish between economics and sociology in that the former is about how people make choices and the latter is about how they don't have any choices to make. Compared to employers, workers do not have the same freedoms *from*, so their freedoms *to* or their choices about employment are restricted and, as this thesis suggests, this can result in injustices.

Kelly (1998) suggests that if academic industrial relations is to survive, research should be focused on injustice and how workers define and respond to it. The purpose of this thesis is to be of some assistance in this regard. However, injustices visited upon workers as a result of state and/or employers offensives to push the frontier of control within the labour market and the workplace to the advantage of capital, and how and why workers collectively respond can, be explained by Mobilization Theory, but only in hindsight. The dynamic interaction of historical, political, socio-economic and legal forces resulting in contradictory pressures on the state, employers and workers (including unions) within capitalism and the freedoms each party has to react to these contradictions are asymmetrical and so prediction is hazardous.

The conclusion of the thesis therefore, is that the utility of Kelly's (1998) Mobilization Theory lacks predictability due to its overlapping modules and conflicting variables. However, this thesis finds that Mobilization Theory, when used in an application approach, has explanatory utility. The thesis builds on the application approach by demonstrating its new conceptual model is of use to both academic scholars and practitioners within the field of industrial relations.

### **Contributions and Limitations**

The two main academic contributions of the thesis overlap. The first contribution is towards a narrowing of the gap in the under-researched academic field of industrial relations in the retail sector. The second contribution of the thesis is that it is the first time Mobilization Theory has been used as a theoretical lens in the retail sector.

Concerning the first contribution, the thesis is an academic study in industrial relations within the supermarket sector, a sector that in general deserves ‘much closer and more focused scholarly attention’ (Bozkurt and Grugulis, 2011, p. 4), not least because of its size in Western capitalist societies. Therefore, the thesis makes a contribution to knowledge in the gathering of empirical evidence in two of the largest employers in the retail sector (and the private sector) in Ireland and their approaches to industrial relations as viewed by their own employees. The choice of using two cases studies, generated evidence that was more convincing and vigorous (Yin, 2009) and facilitated a comparative analysis that would not have been possible if only one research site was studied (Harkim, 1987). The overall research question asks how and why do workers collectively mobilize in response to perceptions of *injustice* and employer exploitation? In order to answer this question, it was decided to use Kelly’s (1998) Mobilization Theory and this leads to the second major contribution of the thesis as it is the first time Mobilization Theory has been applied in the large supermarket sector and this contributes to a narrowing of another gap in industrial relations academic literature. The contribution is enhanced due to the consolidation of Kelly’s (1998) various conceptual models for Mobilization Theory into one conceptual model. This consolidation was derived from Kelly’s definitions as opposed to his explanations of Mobilization Theory. This was required in order to answer the research sub question, as Kelly’s explanations were found wanting in that they were vague, conflicting and overlapping. Nevertheless, his definitions provided clarity, and these were conceptualised in Figure 5 and were used throughout the thesis. The thesis concludes that Mobilization Theory lacks predictability, nonetheless, when used in an application approach, has explanatory utility.

Lesser contributions are firstly, the finding that attribution in Tesco shifted from local store management to the company as a whole; in Dunnes, the focus of attribution did not shift over the same period. The fact that attribution shifted in Tesco suggests that it could shift in other employment settings as well. No evidence was uncovered that attribution has to remain static. This dynamic is not developed to any great extent in previous literature on Mobilization Theory. While the research did not initially set out to ascertain the possibilities of such dynamics, it came about by default arising from my status as a part-time researcher and the longitudinal nature of the data collection.



This may be of some value in the broader academic world when doctoral supervisors are advising part-time candidates on the pros and cons of different research methods. A final contribution is both theoretical and empirical in the form of ‘action research’ (Coats, 2005; Reason and Bradbury, 2008) in that it is hoped that the study will be of some assistance to other workers and their representatives in gaining a greater understanding of how an *injustice* can lead to *common identity*, with a focus on *attribution* leading to *collective organization and activity*.

A major limitation in the writing of the thesis is a direct result of my bias, as discussed in Chapter 3, particularly the acknowledgment that I may well be biased towards workers’ interpretations of events than management’s. According to Hyman (1989b, p. 165), research that aims to assist workers in conflict with their employers is ‘academically somewhat disreputable’. However, he continues that this strangely ‘is not noticed in managerially oriented studies’ (see also Clarke *et al.*, 2011; Darrlington, 2009a; Seifert, 2015; for related views). Kelly (1998, p. 132) emphasises that,

The field of industrial relations will not be preserved as a valuable area of study unless it takes its distance from the intellectual agenda of dominant class interests and becomes far more self-consciously theoretical. Mobilization theory satisfies both of these requirements.

Further to this, one possible area for further research would be to develop the existing project to examine the concept of *undeclared derecognition* of the unions in Dunnes since the early years of this century, and this could be compared and contrasted to Tesco’s Project Black which began in 2017. A second possibility for further research would be to examine in more detail Offe and Wiesenenthal’s (1980, p. 80) distinction between trade union members’ ‘willingness to pay’ and ‘willingness to act’ with members’ dependency on external trade union resources, in that external union resources are limited in value, unless the membership in any particular workplace is prepared to act. This dependency increases in sectors like retail, with high labour turnover (Simms, 2007a; 2007b), and where management is hostile to trade unions (Willman, 1994). Factors such as union hostility and high labour turnover are present in both Tesco (more recently) and Dunnes. Such a study might help to further unpick the relationship between leaders and workers in the mobilization process.

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**APPENDIXES**

**Appendix 1: Tesco Semi-Structured Interview Questions**

1. Name of shop
2. How many employees work in your shop?
3. How long have you worked in Tesco and in what role/s?
4. How long have you worked in Tesco and in what capacities?
5. Did you have other job/s before Tesco? If so what was it/were they? And for how long did you do that/those job/s?
6. What sort of education did you have?
7. Were you ever a union member before you started working in Tesco?
8. When did you first become a union member and why?
9. Were you ever a union activist before you started working in Tesco?
10. Have you ever attended a training course organized by the/a union?
11. If so, what did you think of it/them?
12. If you never attended a union training course, is there any particular reason why not?
13. Did you ever read an article on trade unions or industrial relations not given to you by the union?
14. How long have you been a shop steward?
15. Was there an election and, if so, how many contested in the election?
16. What was the result?
17. Why did you contest the election if another member or members were prepared to become shop steward?
18. If there was no election, did you volunteer on your own accord or did other members ask you to go forward?
19. If someone else was interested in becoming the shop steward, would you automatically step down or would that depend on who was interested?
20. If you were not prepared to step down, would you canvass on your achievements to date before an election?

21. If so, what would you do as a means of canvassing?
22. Is there a union committee in your store and, if so, how many representatives are on it?
23. What kinds of jobs do the other reps have and how long have they worked for Tesco?
24. How often would you discuss union issues with these other union representatives?
25. Do the store's union representatives formally arrange meetings among themselves?
26. If so, is there a meeting agenda, minutes and agreed actions?
27. Could you give an example of facilities the union representatives have to do their job in your store (access to notice boards, telephones, fax machines, time off etc)?
28. What facilities do you not have but believe would be of assistance to you as a union representative?
29. If management withdrew all facilities and willingness to talk to the union committee representatives, what do you think would happen?
30. Have you ever organized a union meeting outside of work and, if so, what did you have to do to arrange this?
31. On what sort of issues would you contact your full-time union official?
32. Can you describe the relations between managers and Tesco workers?
33. Do you get the impression that Tesco workers have a sense of 'solidarity'?
34. Would they be able to maintain a sense of 'unity' and solidarity if they were challenged by Tesco management?
35. Do you think there is much difference between different groups of Tesco workers in terms of unity and solidarity?
36. What are your opinions on the ability of the union to improve peoples' standard of living, promote fairness and justice in your store and the company as a whole?
37. Do you believe the union should campaign for social justice in other workplaces, even where there might be no union members in the store (e.g. other companies in retail like Lidl, Aldi)?
38. Do you think Tesco management would change their attitude towards Tesco workers if there was no longer a union in your shop and the company as a whole?



39. Do you believe Tesco management respect you as a union representative?
40. When it comes to weekly rosters, what are your views on workers having greater control in their workplaces? How would that work?
41. When it comes to the timing of breaks, what are your views on workers having greater control in their workplaces? How would that work?
42. When it comes to the timing of days off, what are your views on workers having greater control in their workplaces? How would that work?
43. When it comes to the timing of holidays, what are your views on workers having greater control in their workplaces? How would that work?
44. When it comes to the organization of work, on who does what jobs (tills, stores, customer service etc.), and at what pace (is there an agreed speed), what are your views on workers having greater control in their workplaces where they work? How would that work?
45. Should the company's books have to be opened to the workers and their representatives in your opinion?
46. Should workers have an input to the management of the company ...as in a say on the company board of directors, the appointment of store managers, some mechanism for removing managers who are not up to the task etc.?
47. How do you see that working?
48. What would management think of these ideas and what would they be likely to do in response?
49. Are all Tesco workers on the same type of contracts, pay hours?
50. Do you believe that political parties differ in their attitudes to trade unions?
51. As a union representative would you take into account a political party's attitude towards unions before you would vote in an election?
52. What are your opinions on workers having greater control in the wider society – as in workers through their trade unions having greater influence with the government in what laws are brought in that affect workers?
53. What are the main grievances or issues that are common in your store?
54. Who do the workers blame, if anyone for these grievances?
55. Are any of these issues likely to be strong enough for workers to take some form of action?
56. And, if so, what kind of action? Is it some individual ringing in sick because they are annoyed with management?

57. Do you know of people leaving because they don't like their job anymore?
58. Do workers ever take a different attitude towards customers because of management?
59. Have workers in your store ever engaged in sabotage – passive (such as not reporting a spillage on the shop floor or active, deliberately doing something to hamper the running of the shop)?
60. Would grievances or issues ever cause some form of collective action – like a go slow, work to rule, sit-in in the canteen, a walk out?
61. If no, in your opinion, what kind of issues would it take to cause such collective action?
62. Are such individual or collective acts common? Can you give examples?
63. Do you think management think the same as you on this matter and take that into account before they do something?
64. Can you give any examples of a union campaign that you (and other representatives) started in your store to get Tesco management to do something or not do something?
65. If so, how was that campaign organized?
66. Was it successful or not and why do you think so?
67. Have you ever participated in a campaign, rally or protest outside of work and, if so, what was it?
68. Have you ever participated in industrial action such as a strike?
69. What do you think are the risks or costs of going on strike?
70. What do you think management might do in response to stop a strike?
71. What do you think management might do during a strike?
72. What do you think management might do after a strike?
73. Are there any circumstances in which you and other members might consider that the costs/risks of going on strike as too high?
74. Have you ever canvassed support or opposition to a position to be decided by a vote of union members?
75. Have you ever tried to get the members to unite behind an issue that they themselves might not care about?
76. What are the positive and negative aspects of working in Tesco?
77. What do you think Tesco management are mostly interested in and why?

78. Do you believe management's interests and your interests coincide/overlap or are they different?
79. Can you give examples?
80. If your interests and Tesco's interests are different, how are these different interests resolved in practice?
81. Do management ever tell you 'we are all on the same team'?
82. What do you think when management tell you that 'we are all on the same team'?
83. Do you think that there is a 'them and us' attitude in Tesco between workers and management and between management and workers?
84. Have you ever witnessed a work-related injustice or unfairness caused by management?
85. Are there things you don't like about your job but you believe management can't do anything about (i.e. travelling to work)?
86. If Tesco wanted to cut wages and other conditions of employment to protect its business (and claim it is to protect jobs), would you accept the cuts?
87. What would you do?
88. What do you believe management can do to weaken the union in Tesco?
89. Has anything like that ever happened before?
90. Was it successful for management and, if so, why?
91. What do you think the union should do if it happens again?
92. Have management ever victimised someone for union activity? If so, please give examples.
93. How did workers respond?

**Appendix 2: Dunnes Semi-Structured Interview Questions**

1. Name of shop
2. How many employees work in your shop?
3. What percentage/how many is in the union?
4. How long have you worked in Dunnes and in what capacities?
5. Did you have other job/s before Dunnes? If so, what was it/were they? And for how long did you do that/those job/s?
6. Why did you come to work in Dunnes?
7. What sort of education did you have?
8. When did you first become a union member in Dunnes and why?
9. Were you ever a union member before you started working in Dunnes?
10. Were you ever a union activist before you started working in Dunnes?
11. Have you ever attended a training course organized by the/a union?
12. If so, what did you think of it/them?
13. If you never attended a union training course, is there any particular reason why not?
14. Did you ever read an article on trade unions or industrial relations not given to you by the union?
15. How long have you been a shop steward?
16. Was there an election and, if so, how many contested in the election?
17. What was the result?
18. Why did you contest the election if another member or members were prepared to become shop steward?
19. If there was no election, did you volunteer on your own accord or did other members ask you to go forward?
20. If someone else was interested in becoming the shop steward, would you automatically step down or would that depend on who was interested?

21. If you were not prepared to step down, would you canvass on your achievements to date before an election?
22. If so, what would you do as a means of canvassing?
23. On what sort of issues would you contact your full-time union official?
24. Can you describe the relations between managers and Dunnes workers?
25. Do you get the impression that Dunnes workers have a sense of 'solidarity'?
26. Would they be able to maintain a sense of 'unity' and solidarity if they were challenged by Dunnes management?
27. Do you think there is much difference between different groups of Dunnes workers in terms of unity and solidarity?
28. What are your opinions on the ability of the union to improve peoples' standard of living promote fairness and justice in your store and the company as a whole?
29. Do you believe the union should campaign for social justice in other workplaces, even where there might be no union members in the store? (e.g. other companies in retail like Lidl, Aldi)?
30. Do you think Dunnes' management would change their attitude towards Dunnes' workers if there was no longer a union in your shop and the company as a whole?
31. Do you believe Dunnes' management respect you as a union representative?
32. When it comes to weekly rosters, what are your views on workers having greater control in their workplaces? How would that work?
33. When it comes to the timing of breaks, what are your views on workers having greater control in their workplaces? How would that work?
34. When it comes to the timing of days off, what are your views on workers having greater control in their workplaces? How would that work?
35. When it comes to the timing of, holidays, what are your views on workers having greater control in their workplaces? How would that work?
36. When it comes to the organization of work, on who does what jobs (tills, stores, customer service etc), and at what pace (is there an agreed speed), what are your views on workers having greater control in their workplaces where they work? How would that work?
37. Should the company's books have to be opened to the workers and their representatives in your opinion?

38. Should workers have an input to the management of the company ... as in a say on the company board of directors, the appointment of store managers, some mechanism for removing managers who are not up to the task etc.?
39. How do you see that working?
40. What would management think of these ideas and what would they be likely to do in response?
41. Are all Dunnes' workers on the same type of contracts, pay hours?
42. Do you believe that political parties differ in their attitudes to trade unions?
43. As a union representative would you take into account a political party's attitude towards unions before you would vote in an election?
44. What are your opinions on workers having greater control in the wider society – as in workers through their trade unions having greater influence with the government in what laws are brought in that affect workers?
45. What are the main grievances or issues that are common in your store?
46. Who do the workers blame, if anyone, for these grievances?
47. Are any of these issues likely to be strong enough for workers to take some form of action?
48. And if so, what kind of action? Is it some individual ringing in sick because they are annoyed with management?
49. Do you know of people leaving because they don't like their job anymore?
50. Do workers ever take a different attitude towards customers because of management?
51. Have workers in your store ever engaged in sabotage – passive (such as not reporting a spillage on the shop floor or active, deliberately doing something to hamper the running of the shop?
52. Would grievances or issues ever cause collective action – like a go slow, work to rule, sit-in in the canteen, a walk out?
53. If no, in your opinion what kind of issues would it take to cause such collective action?
54. Are such individual or collective acts common? Can you give examples?
55. Do you think management think the same as you on this matter and take that into account before they do something?

56. Can you give any examples of a union campaign that you (and other representatives) started to get Dunnes management to do something or not do something?
57. If so, how was that campaign organized?
58. Was it successful or not and why do you think so?
59. Have you ever participated in a campaign, rally or protest outside of work and, if so, what was it?
60. Have you ever participated in industrial action such as a strike?
61. If so, what was the outcome and why do you think so?
62. What do you think are the risks or costs of going on strike?
63. What do you think management might do in response to stop a strike?
64. What do you think management might do during a strike?
65. What do you think management might do after a strike?
66. Are there any circumstances in which you and other members might consider that the costs/risks of going on strike as too high?
67. Have you ever canvassed support or opposition to a position to be decided by a vote of union members?
68. Have you ever tried to get the members to unite behind an issue that they themselves might not care about?
69. What are the positive and negative aspects of working in Dunnes?
70. What do you think Dunnes' management are mostly interested in and why?
71. Do you believe management's interests and your interests coincide/overlap or are they different?
72. Can you give examples?
73. If your interests and Dunnes' interests are different, how are these different interests resolved in practice?
74. Do management ever tell you 'we are all on the same team'?
75. What do you think when management tell you that 'we are all on the same team'?
76. Do you think that there is a 'them and us' attitude in Dunnes between workers and management and between management and workers?

77. Have you ever witnessed a work-related injustice or unfairness caused by management?
78. Are there things you don't like about your job but you believe management can't do anything about (i.e. travelling to work)?
79. If Dunnes wanted to cut wages and other conditions of employment to protect its business (and claim it is to protect jobs), would you accept the cuts?
80. What would you do?
81. What do you believe management can do to weaken the union in Dunnes?
82. Has anything like that ever happened before?
83. Was it successful for management and, if so, why?
84. What do you think the union should do if it happens again?
85. Have management ever victimised someone for union activity? If so, please give examples.
86. How did workers respond?



### **Appendix 3: 1996 Tesco [PSL] Collective Agreement**

#### **PSL/MANDATE AGREED PROPOSALS - NOVEMBER 1996**

##### **1. TRADING**

The Company re-affirms its right to determine trading hours and recognises the Union's right to raise and process, through established procedures, consequential issues arising from the Company decisions on trading hours.

The Union recognises, arising out of competition realities, the Company's necessity to trade as it decides throughout the week including Sundays and Public Holidays.

##### **2. EXISTING STAFF**

- (a) Working on Sundays and Public Holidays will be voluntary. Staff who indicate their availability to work will be rostered to do so on an equitable basis.
- (b) Premium rate of double time to apply to hours worked in addition to statutory entitlement for Public Holidays.
- (c) Existing earnings levels and working patterns will be maintained. Starting and finishing times to be notified the week in advance.
- (d) Existing status and promotional opportunities will be maintained.
- (e) Where staff exercise the right not to work on Sundays and Public Holidays, their decision will be respected and their workload will not be adversely affected on other days. Where necessary, Management will take steps to ensure operational efficiency on these days.

##### **3. NEW STAFF**

- (a) Contractual liability to work 3 Sundays in 4. On the week where the staff member does not work on Sunday, their normal number of working hours will be maintained.
- (b) Working week will be a maximum of 5 days over 7. Starting and finishing times to be notified the week in advance.
- (c) Overtime rate to apply on basic week (with the exception that in all cases Sunday/Public Holidays will carry the appropriate premium).
- (d) Rate for Sunday/Public Holiday work for new staff employed from date of agreement to be T+H.
- (e) Maximum of 20 hours per week to be worked after 6pm at flat rate.
- (f) Hours worked between 11pm and 8am or after the 20 hour maximum threshold will attract an unsocial hours premium of T+1/2
- (g) Unless changed by the contents of this agreement, all other agreements/clauses of agreements remain unchanged.

In respect of point (e), existing staff who currently have a maximum limit on hours after 6pm remain unchanged.

In respect of point (f), this is to apply equally to new and existing staff.

**4. CHRISTMAS TRADING**

(a) Treble time for all mating staff in stores which trade on Sundays in the month of December or the same number of Sundays as traded in 1995, whichever is the greater as per Appendix 1.

(b) New staff employed from date of agreement will receive double time for Christmas Sundays.

**5. PART-TIME STAFF/ ANCILLARY WORKERS**

(a) Pay scale progression for all existing casual part-time staff (ex-IDATU stores) from date of agreement. System to deal with existing casual part-time staff to be as follows:

i. Casual part-time staff with less than 12 months service will continue to be paid 75% of Point 1 of the current shop scale. At 12 months service they will be appointed as pro-rata on Point 1 and progress to Point 2 of the current pay scale when they have worked the equivalent number of full-time hours subject to a guarantee that it will, take no longer than 2 years to make 1 incremental movement.

ii; Casual part-time staff with between 12 and 30 months service will be made pro rata and remain on Point 1 of the current shop scale until they complete 18 months service on Point 1 at which time they will progress to Point 2 of the current shop scale. Further scale progression will be based on normal system of "hours worked".

iii. Casual part-time staff with 30 months service or more in the Company will be made pro-rata on Point 2 of the current shop scale.

iv. For staff with longer service than 30 months, Management will assess their situation on the basis that it will take 18 months to make one incremental move,

(b) As a quid pro quo, ancillary workers can be introduced nationally and existing ancillary rates will be increased as follows:

	<u>New Rate</u>
16-18 Years of Age £2.00	(including PCW Phase 3-Part 1)
18 Years and over £2.40	(including PCW Phase 3-Part 1)

Duties of ancillary workers to be in accordance with the Employment Regulation Order for the Retail Grocery and Allied Trades (JLC).

The Company agree to work to ensure that ancillary workers perform duties in line with that which has already been laid down in the JLC and will not perform duties appropriate to other categories.

(c) When vacancies arise, ancillary workers will be given first option to Sales Assistant positions, subject to suitability as determined by Management,

- (d) Anew starting point on the Sales Assistant pay scale to apply equivalent to 75% of the existing starting point. All staff on this rate of pay will be liable for all duties and will be entitled to scale progression to Point 1 after 12 months. Further scale progression will be based on normal system of "hours worked".

## **6. RATIOS - RATIO FULL-TIME/PRO-RATA SALES ASSISTANT.**

- (a) Dublin JTC stores ratio will be adjusted to to be 1 Full-time to 2,5 pro-rata (i.e. 1:2.5)

Existing arrangements in Provincial stores remain unchanged.

The Company are committed to maintaining the current level of "core" full-time staff

- (b) All staff represented by Mandate other than ancillary workers are defined as Sales Assistants for the purpose of the ratio.

## **7. GRIEVANCE PROCEDURE**

The negotiating of anew national grievance procedure will commence as soon as possible after date of agreement and conclude by the end of February 1997. These negotiations will include discussions on a range of issues such as;

- Individual/collective grievances and timescales.
- 3rd party referrals.
- Representation and Shop Stewards training.

## **8. UNION MEMBERSHIP**

Union membership will be on a week 1 basis for all grades nationally. The Company re-affirms Mandate Trade Union have sole negotiating rights for all staff in all new locations.

## **9. REWARDS/PAYMENTS TO STAFF**

In the context of an overall agreement and on confirmation of the staff's acceptance of clauses 1-8 above, the following payments will be made to staff:

### **1. Christmas Bonus Addition**

Christmas Bonus Addition 1997 and Future Years  
Service Qualification:

- (a) Staff in the Company's employment on or before 1<sup>st</sup> January will receive an additional basic weeks Christmas bonus, ie. 2 basic weeks bonus.

(b) Staff in the Company's employment on or before 1<sup>st</sup> July will receive the normal 1 basic weeks Christmas bonus.

1996 "Upfront Payment"

As part of this agreement, the Company will make an "up front" payment equal to 1 weeks basic pay to all Mandate members employed at date of individual store voting and still serving at time of the Christmas bonus payment.

In this instance, the Company will waive the normal qualifying service requirement.

The service qualification will continue to apply to the normal Christmas bonus. Where appropriate, a Christmas weeks bonus is calculated based on an average basic week in the 13 weeks prior to the Christmas period, i.e. prior to end of November in any one year.

**2. CLAUSE 3 - 3% PAY INCREASE**

Payment of all outstanding Clause 3 3% wage increases. These stores will accept the introduction of the flexi full-time staff category.

**3. JOBS**

300 flexi full-time jobs will be provided for existing staff on a 5 over 6 day basis. A breakdown of the allocation of these jobs is detailed in Appendix 2.

**Appendix 4: Dunnes at the Labour Court. (Source WRC, 2018)**

	<b>Date Issued</b>	<b>Case Number</b>	<b>Dunnes Attended</b>	<b>Voluntary</b>	<b>Legally Binding</b>	<b>Union</b>	<b>Issue/s</b>
95	19/04/17	EDA179	Yes	No	Yes	Solicitor Firm	Employment Equality Acts 1998 – 2015
94	07/04/17	UDD1714	Yes	No	Yes	Solicitor Firm	Unfair Dismissals Act 1977-2007
93	17/01/17	LCR21379	No	Yes	No	Mandate	S20 Disciplinary Issues
92	06/10/16	PWD1633	Yes	No	Yes	Mandate	Payment of Wages Act 1991
91	06/10/16	PWD1635	Yes	No	Yes	Mandate	Payment of Wages Act 1991
90	06/10/16	PWD1636	Yes	No	Yes	Mandate	Payment of Wages Act 1991
89	06/10/16	PWD1637	Yes	No	Yes	Mandate	Payment of Wages Act 1991
88	08/01/16	DEC-E2016-003	Yes	No	Yes	Solicitor Firm	Employment Equality Acts 1998 – 2015
87	22/12/05	EDA1522	Yes	No	Yes	Solicitor Firm	Employment Equality Acts, 1998 to 2011.
86	29/09/15	LCR21047	No	Yes	No	SIPTU	S20 Disciplinary Issues
85	27/04/15	LCR20975	No	Yes	No	SIPTU	Hours, Wages, use of temporary contracts and union representation
84	14/11/14	LCR20874	No	Yes	No	Mandate	Hours, Wages, use of temporary contracts and union representation
83	25/10/13	LCR20627	No	Yes	No	SIPTU	S20 Change of hours/roster.
82	30/09/13	LCR20610	No	Yes	No	Mandate	S20 Disciplinary Issues

81	27/05/03	LCR20518	No	Yes	No	Mandate	S20 Disciplinary Issues
80	16/04/13	LCR20497	No	Yes	No	Mandate	S20 Disciplinary Issues
79	04/02/13	LCR20461	No	Yes	No	Mandate	S20 Wage Increase - 3%
78	03/09/12	LCR20362	No	Yes	No	Mandate	S20 Disciplinary Issues
77	03/04/12	LCR20276	No	Yes	No	Mandate	S20 Disciplinary Issues
71	05/09/11	<u>LCR20148</u>	No	Yes	No	Mandate	Unfair Treatment
70	23/03/11	LCR20029	No	Yes	No	Mandate	S20 Kilkenny -Hours, Car Park and 3 day week
69	22/03/10	LCR19745	No	Yes	No	Solicitor Firm	S20 Unfair Treatment
68	05/05/09	LCR19511	No	Yes	No	SIPTU	S20 Procedural Agreement
67	30/06/08	LCR19278	No	Yes	No	SIPTU	S20 Compensation
66	21/04/08	LCR19205	No	Yes	No	SIPTU	S20 working patterns
65	04/03/08	LCR19161	No	Yes	No	SIPTU	S20 Overtime
64	14/12/07	LCR19101	No	Yes	No	A Worker	S20 Dismissal
63	24/04/06	DIR064	Yes	No	Yes	Mandate	IR Acts 2001 and 2004
62	05/04/06	LCR18527	No	Yes	No	SIPTU	S20 Retrospection of pay
61	09/02/06	LCR18469	Yes	No	Yes	Mandate	IR Acts 2001 and 2004
60	01/11/05	LCR18364	Yes	Yes	No	Mandate	Breach of Code of Practice
59	05/08/05	LCR18284	No	Yes	No	SIPTU	S20 Retrospection of pay
58	13/07/05	LCR18255	No	Yes	No	Mandate	S20 request for 37.5 hours
57	28/04/05	LCR18178	No	Yes	No	Mandate	S20 Dismissal
56	26/01/05	PTD052	Yes (see LCR)	No	Yes	SIPTU	Part Timers Act
55	23/12/04	LCR18044	No	Yes	No	A Worker	S20 Dismissal

54	15/10/04	LCR17976	No	Yes	No	Mandate	S20 warning and loss of day's pay
53	07/09/04	DW0436	Yes	No	Yes	SIPTU	Working Time Act
52	07/09/04	DWT0435	Yes	No	Yes	SIPTU	Working Time Act
51	14/05/04	PTD046	Yes	No	Yes	SIPTU	Part Timers Act
50	14/05/04	PTD045	Yes	No	Yes	SIPTU	Part Timers Act
49	24/03/04	LCR17800	No	Yes	No	Mandate	S20 LSI for catering, cleaning and security
48	28/10/03	EED0314	Yes	No	Yes	Solicitor Firm	S77 of Equality Act
47	24/10/03	LCR17638	No	Yes	No	Mandate	S20 Closure of Canteen
46	06/06/03	LCR17507	No	Yes	No	Mandate	S20 oral warning
45	23/01/03	EDA035	Yes	No	Yes	Equality Authority	Appeal out of date
44	02/09/02	LCR17239	No	Yes	No	Mandate	S 20 rostering
43	24/07/02	LCR17208	Yes	Yes	No	Mandate and SIPTU	2% due under PPF
42	30/10/01	LCR16952	Yes	Yes	No	Mandate	LSI
41	10/11/00	LCR16669	No	Yes	No	SIPTU	S 20 Work Practices
40	10/11/00	LCR16660	No	Yes	No	Mandate	S20 Unfair Dismissal
39	07/06/00	LCR16530	Yes	Yes	No	Mandate	POR, Canteen Rate, and Check Off
38	30/09/99	LCR16287	No	Yes	No	Mandate	Rosters and Disputes Procedure
37	03/06/99	LCR16185	No	Yes	No	A Worker	S20 Unfair Dismissal
36	09/12/98	DEP9812	Yes	No	Yes	Mandate	Equal pay
35	15/09/07	LCR15633	No	Yes	No	A Worker	S20 Unfair Dismissal
34	22/08/97	LCR15611	Yes	Yes	No	Mandate, MPGW U and SIPTU	Pay for Christmas Sundays
33	08/04/97	LCR15496	No	Yes	No	SIPTU	S20 Unfair Dismissal
32	15/07/96	LCR15242	No	Yes	No	A Worker	S20 Constructive Dismissal

31	29/03/96	LCR1524 2	No	Yes	No	Mandate	S20 Unfair Dismissal
30	15/01/96	AD961	Yes	Yes	No	A Worker	Unfair Dismissal
29	06/01/96	LCR1505 1	Yes	Yes	No	Mandate	S20 Unfair Dismissal
28	13/11/95	EEO952	Yes	No	Yes	Mandate	Employment Equality Act, 1977
27	04/07/95	LCR1481 6	Yes	Yes	No	Mandate , MPGW U and SIPTU	S26(5) a dispute concerning a range of issues
26	10/01/92	LCR1352 2	No	Yes	No	IDATU	S20 (i) Compulsory transfer. (ii) Rates of pay for fork lift operator. (iii) New conditions of employment
25	28/08/91	LCR1339 0	No	Yes	No	IDATU	S20 Holiday Pay for a worker
24	11/07/91	LCR1334 2	No	Yes	No	IDATU	S20 Severance Pay claim
23	13/06/91	LCR1331 0	No	Yes	No	IDATU	S20 Claim for Pension Scheme
22	31/10/90	LCR1306 7	No	Yes	No	IDATU	S20 Withdrawal of Sick pay for Part time worker
21	22/08/90	LCR1298 6	No	Yes	No	SIPTU	S20 Verbal Warning and Pay owed
20	03/04/90	LCR1285 7	No	Yes	No	SIPTU	S20 Transfer of a worker
19	19/02/90	LCR1274 5	No	Yes	No	IDATU	S20 Terms of the 39-hour week
18	08/02/90	LCR1273 7	No	Yes	No	IDATU	S20 Carpark work
17	25/08/89	LCR1253 2	No	Yes	No	IDATU	S20 Stocktaking arrangements
16	23/08/89	LCR1253 0	No	Yes	No	IDATU	S20 Part Timers
15	17/07/89	LCR1246 7	No	Yes	No	IDATU	S20 Extra Leave
14	17/05/89	LCR1239 3	No	Yes	No	IDATU	S20 Union Facilities
13	28/02/89	LCR1229 1	No	Yes	No	IDATU	S20 Part Timers' Hours



12	23/02/89	LCR12288	No	Yes	No	ITGWU	S20 Overtime
11	20/09/88	LCR12022	No	Yes	No	IDATU	S20 Hours for Part Time workers
10	12/09/88	#NAME?	Yes	No	Yes	IDATU	Equal Pay
9	31/08/88	LCR12019	No	Yes	No	IDATU	S20 Overtime
8	02/03/88	LCR11723	No	Yes	No	ITGWU	S20 Part/Full time ratios
7	28/01/88	REA885	CD87480 REA588 -no information available on the database for this case re Breach of an REA.				
6	15/01/88	LCR11601	No	Yes	No	IDATU	S20 Dismissal
5	17/12/87	LCR11601	No	Yes	No	IDATU	S20 Dismissal
4	30/11/87	LCR11548	No	Yes	No	IDATU	S20 Hot Water and Working Hours
3	29/04/87	LCR11119	No	Yes	No	IDATU	S20 Working Hours
2	03/04/87	LCR11082	No	Yes	No	ITGWU	S20 Pay
1	03/03/86	LCR11026	No	Yes	No	IDATU	S20 Working Hours

## **Appendix 5: Dunnes – Mandate Procedural Agreement (Mandate, 2018)**

### **AGREEMENT FOR RESOLVING PROBLEMS ARISING BETWEEN MANAGEMENT AND STAFF OF DUNNES STORES**

#### **1. Object of Agreement**

This agreement applies to issues of a collective and individual nature which relate to staffs' terms and conditions of employment.

It is not intended to restrict management's right to respond flexibly to competition and manage the business eg determining the rostering, opening/closing hours necessary to meet trading requirements in each Store.

It is not intended to restrict the rights of the Trade Unions to raise and process through this agreement all matters of concern to them.

#### **2. Individual and Collective Grievances affecting One Store**

##### **Stage 1**

If a member or members of staff have a grievance they must raise the matter with the Store Manager.

##### **Stage 2**

If the grievance is not resolved at Stage 1, then the member(s) concerned may request store management to convene a meeting with the next line of management at which the staff member may attend, and at their discretion, be accompanied by a work colleague or shop steward. The purpose of this meeting is to resolve the grievance as quickly as possible. If the grievance cannot be resolved within 18 days from the start of Stage 1, then this Stage will be deemed to have been completed.

##### **Stage 3**

If the grievance is not resolved at Stage 2, then a meeting will take place between the Store Manager, Area Manager, and/or Head Office Executive and the Union official to discuss the matter. This meeting is to be convened by management. The Union official will be accompanied by the shop steward and the member of staff concerned, as appropriate. The purpose of this meeting is to resolve the grievance as quickly as possible. If the grievance cannot be resolved within 14

days from the start of Stage 3, then this Stage will be deemed to have been completed.

#### **Stage 4**

If the grievance is not resolved at Stage 3, the case will be referred to the Board of Directors. If their decision is not to the satisfaction of the member(s) concerned, a meeting will take place between a Director and the Union to discuss the matter. If the matter cannot be resolved within 25 days from the start of Stage 4, this Stage will be deemed to be completed.

#### **Stage 5**

Failing resolution of the grievance at Stage 4, then the matter will be referred to the appropriate service of the Labour Relations Commission. Subject to the ability of the LRC to respond, this process will take place within 21 working days from the date of referral.

#### **Stage 6**

If the matter cannot be resolved at Stage 5 then it will be referred to the Labour Court for investigation and recommendation.

### **3. Collective Grievance involving Staff in more than one Store**

An industrial relations grievance involving staff in more than one Store will be referred to the Personnel Executive [Head Office] by the Union/Unions concerned.

A meeting to discuss the grievance will take place within 21 working days between the Company and the Union/Unions to discuss the grievance. If the matter is not resolved at this stage, then the grievance will be processed from Stage 4 of the agreement above.

### **4. Industrial Action**

There will be no industrial action, “lock out”, or other punitive action by any of the parties (ie management, staff, unions) until the above agreement has been exhausted. During this process and pending the outcome, the parties will refrain from public comment on the issues.

Management's instructions will be carried out in full, under protest if necessary, pending the outcome of any referral of grievances through the agreement.

**5. Commitment to Resolve Grievances**

All parties concerned in this agreement will make every effort to have all grievances resolved “in-Store” at Stage 1. All parties will act responsibly to avoid using this agreement to progress petty issues.

**Signed on Behalf of Dunnes Stores**

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**Signed on behalf of Unions**-----  
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**Appendix 6: Sample of Dunnes Smothering of Grievances.****Dear Mr. Carty,**

We acknowledge receipt of your letter dated 20<sup>th</sup> February 2012 with regard to [REDACTED]

[REDACTED]

Should staff have any issues they should raise them with myself in the first instance.

**Dear Mr. Kelly,**

We acknowledge receipt of your letter dated 10<sup>th</sup> June 2009 with regard to [REDACTED]

[REDACTED]

Should staff have any issues they should raise them with myself in the first instance.

**Dear Mr. Hamilton,**

We acknowledge receipt of your letter dated 18<sup>th</sup> June 2012 with regard to Dunnes Stores Ashbourne.

Should staff have any issues they should raise them with myself in the first instance.


Dear Ms. Kane,

We acknowledge receipt of your letter dated 1<sup>st</sup> July 2013 with regard to Dunnes Stores Newbridge.

Should staff have any issues they should raise them with myself in the first instance.

**Dear Ms. Dillon,**

We acknowledge receipt of your letter dated 21<sup>st</sup> January 2011 with regard to [REDACTED]

[REDACTED] 

Should staff have any issues they should raise them with myself in the first instance.

**Dear Ms. Wall,**

We acknowledge receipt of your letter dated 1<sup>st</sup> March 2012 with regard to Dunnes Stores, Nenagh.

Should staff have any issues they should raise them with myself in the first instance.

Dear Mr. Miskell,

I acknowledge receipt of your letter dated 8<sup>th</sup> January 2014 with regard to Dunnes Stores, Finglas.

Should staff have any issues they should raise them with myself in the first instance.