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Employer opposition and union avoidance in the UK

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This paper presents empirical evidence about the shape and pattern of non-union employer strategies to remain union free. The data are collected from seven case studies across different industrial sectors and organisational sizes in Britain. Following a brief critique of typologies of union avoidance, the evidence suggests the 'configuration' of anti-union approaches involves an uneven and at times contradictory interaction of context-specific variables. Three mutually inclusive factors that influence employer behaviour are identified: structural, ideological and cultural dimensions. It is argued that these represent a deeper understanding of employer hostility towards unions than existing employment relationship classifications. The utility of non-union typologies and the prospects for union mobilisation are considered in the light of these findings

Introduction

Decline has been a common problem facing trade unions in almost all industrialised economies. Various reasons have been advanced to explain this 'crisis of labour': the changing composition of the labour force, business cycle variables, new patterns of industrial relations, a rise in the power of global capital and a shift from Fordist to flexible modes of production. Underpinning these factors is the influence of both neo-liberal government policies and employer action in facilitating or hindering union

organisation. The precise significance of each of these factors has been the subject of much debate (Freeman & Medoff, 1984; Kochan et al, 1986; Walton et al, 1994; Towers, 1997). On the one hand, some commentators suggest that employers are becoming increasingly supportive of a mutual gains approach to labour relations. In Britain the government is promoting a policy of '*Fairness at Work'*, with new rights for individual employees along with the statutory provision for union recognition (Wood & Godard 1999). On the other hand however, survey data shows that employers remain at best suspicious and worst hostile to the prospect of unionisation (Cully et al, 1999, Heery et al, 2000; Gall & McKay, 2001). Interestingly, evidence from the experience of North American union certification shows that, in practice, statutory recognition procedures are increasingly more difficult for unions than employers (Logan, 2001).

Against these contrasting patterns of *fairness at work* and *employer hostility*, the British TUC has 're-launched' itself amidst a more favourable political climate (TUC, 1997; Heery, 1998). New organising experiences from across the Atlantic, from Australia and New Zealand have inspired the trade union movement in Britain (TUC, 1996, 1998). The aim is to engage workers through community and social expression and leave in place self-dependant workplace activists (Bronfenbrenner et al, 1998). To date, however, many of these new organising practices have been directed at in-fill recruitment where union recognition already exists. As a result, there is little analysis of non-union employer behaviour or a consideration of how union organising will stand up against both overt and covert employer strategies to remain union-free.

Arguably, a deeper understanding of non-union workplaces is perhaps even more important given the new political and legal climate in the UK. Heery (2000) points to

two possible scenarios. First, employers may be more likely to accept trade union representation given the political framework of *Fairness at Work*. An alternative scenario is that employers may begin to mirror their American counterparts and devise a range of union-busting strategies. The New Unionism Research Bulletin produced by Cardiff University shows 'elements of managerial opposition in most non-union organisations'. In a survey of around 117 organisations, 40% of those surveyed discouraged employees from joining a union, with around one-quarter of employers victimising union activists (Heery, 2000:3). There is also a third possible trajectory, as employers devise their own 'brand' of union avoidance. In the same Cardiff survey, 54% of those respondents without union recognition had actively strengthened 'alternative forms of worker representation', with 27% of non-unionised sites seeking the advice of managerial consultants. In a more detailed assessment, Royle (2000) shows how the McDonald's Corporation has undermined collective worker representation through its own brand of employee voice tailored to different geographical, cultural and statutory frameworks (the 'Mc Participation' scheme).

The purpose of this article is to present empirical evidence about the 'variability and adaptability of employer strategies to remain union-free in a selected number of case studies in Britain. Following a brief critique of the typologies of union avoidance, the evidence is then used to illustrate a deeper understanding of employer behaviour towards unions. The evidence suggests that the 'configuration' of anti-union approaches involves an uneven and at times contradictory interaction of context-specific factors. Three mutually inclusive aspects of employer anti-union tactics are identified: structural, ideological and cultural factors. The prospect for union

organising is then briefly considered in the light of very different patterns of union avoidance tactics.

Non-unionism and employment typologies

Much of the industrial relations literature is peppered with a (mistaken) search for discrete employment and managerial typologies. See for example Purcell & Sisson (1983) and Purcell & Ahlstrand (1994) on the debates about management style and strategy; or Huselid (1995) and Pfeffer (1994, 1998) on the range of so-called "universally" applicable best practice HRM techniques. One difficulty here is that typologies have a tendency to represent 'ideal' rather than 'real' contexts (Kitay & Marchington, 1996). In the non-union situation labour relations practices are often related to an 'either/or' scenario of union suppression and/or substitution. On the one hand, companies such as IBM, HP or M&S are cited as exemplars of good human relations that 'substitute' the triggers to unionisation. At the other end of this simply dichotomy is the sweatshop or exploitative small firm that 'suppress' union demands (McLoughlin & Gourlay, 1994). One implication is that non-union firms tend to be labelled as being either 'good, bad or ugly' (Guest & Hoque, 1994). The 'good' non-union employer is derived from images of IBM and M&S, with above average remuneration and extensive training and development. The 'bad' and 'ugly' non-union firms are often dependent upon larger organisations for their work within a highly competitive market (Blyton & Turnbull, 1998; Dundon et al, 1999). What can distinguish the 'bad' from the 'ugly' is that in the latter management seek to exploit workers, whereas in the 'bad' management offer poor wages and conditions without intended malice.

The problem here is that 'either/or' categories of union avoidance tend to oversimplify and polarise practice that are, in fact, remarkably diverse and complex. As Edwards (1995) indicates, the absence of industrial discontent or union membership 'may' point towards some level of commitment or trust between an employer and employee. However it may also demonstrate a fear of management and an abuse of the managerial prerogative. Further, in the non-union literature there seems to be a language and discourse which implicitly assumes that union organisation is somehow less attractive in so-called 'good' companies. This is the 'catch-22' situation in which non-unionism can become self-perpetuating (Flood & Toner, 1997). Apparently, there is little scope for union recruitment because workers earn above average wages and are party to some notion of harmonious industrial relations.

A more recent addition to non-union 'typologies' has been advanced by Gall (2001). Given that employers may use, simultaneously, practices that are both suppressive and substitutive, Gall revisits a framework devised by Roy (1980) in the US, and seeks to classify managerial control approaches in the light of legally enforceable union recognition. Essentially, Gall (2001:3) adds three additional categories to Roy's original four typologies to accommodate differences between UK and US managerial practices (see table 1). Some of the approaches, such as 'evil stuff', have a resonance more applicable to the US than the UK, but nonetheless offer the potential to classify employer behaviour at a higher level of specification than the 'substitution-suppression' divide (Gall, 2001:17).

Table 1: Non-Union Management Control Approaches

Non-Union Approach	Type of anti-union behaviour and control
Fear Stuff [1]	**Union Suppression**: *Employer behaviour here includes blatant intimidation of workers, the objective to instil a 'fear' (real or otherwise) of managerial reprisals to possible unionisation.*
Sweet Stuff [1]	**Union Substitution**: *Management argue that unions are unnecessary, with better terms and conditions and sophisticated employee voice channels to resolve any grievances.*
Evil Stuff [1]	**Ideological Opposition to Unions:** *Management articulates the view that unions are "reds under the beds", and will be destructive to the company performance.*
Fatal Stuff [1]	**Blatant Refusal:** *Employer behaviour here includes refusal to recognise a union, or at best refusal to 'bargain in good faith'.*
Awkward Stuff [2]	**Stonewalling**: *Managers create what appear to be legitimate obstacles to union recognition, effectively employing 'delaying' tactics.*
Tame Stuff [2]	**Damaged Limitations**: *Employer behaviour can take the form of 'sweetheart' deals, partially recognising 'moderate' unions or creating internal (managerial controlled) staff associations.*
Harm Stuff [2]	**By-passing:** *Employer behaviour seeks to effectively marginalise collective employee voice, often through specific non-union communication channels.*

1= Roy's (1980) original classification; 2 = Gall's (2001) additional typologies

While this revised framework can better locate different types of anti-union behaviour with more detail than the simple 'suppression-substitution' dichotomy, there remain a number of difficulties. First, it is unclear whether employers have the ability to consciously adopt one particular strategy over another. It is possible that managerial approaches to union organising are both haphazard and ad hoc. Indeed, Gall (2001:17) acknowledges that "the use of *one or more* of the seven approaches at any one point in time" is important (*emphasis added*). Second, there is little evidence to suggest that typologies in general have any predictive power across industrial sectors or occupational groups (Kitay & Marchington, 1996). For unions seeking recognition

and worker mobilisation, then this is likely to be of particular importance. Finally, there is always the danger that such approaches represent a static relationship rather than an accurate appreciation of the complex and dynamic processes that tend to exist at workplace level. As Gouldner (1955) once commented, a full understanding of the relationship, particularly at company level, can never be fully obtained until the research has itself commenced.

Research Method

The evidence used to consider these issues was collected from seven non-union case studies between 1995-1998. Detailed interviews were conducted with key informants in each organisation: company directors, line managers and workers. In three of the companies trade union officers and activists were interviewed who had detailed experience of union de-recognition or campaigns to recruit and mobilise workers. In total, over 40 people were interviewed at various stages in the research project. In addition, a simple attitude survey was conduced among employees in four of the seven organisations.

The case studies were selected on the basis of *dissimilarity*. This allowed for a comparative analysis of the variability and adaptability of employer strategies across industrial sectors, occupational groups, and systems of corporate governance and organisational size. The case study organisations are briefly outlined in table 2. An initial comment about employer behaviour towards unionisation is indicated in the final column, which is the subject of more detailed explanation and analysis in the following sections.

Table 2: Case Study Context and Managerial Control Approaches

Case Study	Corporate Context	Employer Behaviour
Mini Steel	Company opened in mid-1970s, German-owned steel plant operating in South East England. Experienced market decline, but recent growth in 1990s. Employs around 500 workers, mostly manufacturing steel workers.	**Fear, Fatal & Harm Stuff** Derecognised AEU and ISTC in 1992. Employer hostility highly offensive: aggressive intimidation of workers.
TEC	Set up in late 1980s, privatised government Training & Enterprise Council. Employs 75 employees, mostly clerical workers who provide training services to local business in North West of England.	**Fatal and Harm Stuff** Organising campaign by public sector unions resisted by use of non-union employee involvement techniques. Marginal intimidation of workers.
Petrol Co	Multi-national petroleum manufacturer in North East of England. Plant employs over 600, mixed between skilled craft workers and semi-skilled process operatives. High market share.	**Sweet, Awkward & Harm Stuff** De-recognised AEU and T&G, move to single status terms & conditions. Substitution of former collective consultation channels.
Water Co	US-owned mineral water company employs 120 workers across several UK sites: delivery drivers, process operators and clerical staff. Started in 1987 with fastest growing market share in the UK.	**Fear & Harm Stuff** Aggressive hostility, owners ideologically anti-union; intimidation and dismissal of workers.
Chem Co	Manufacturer of intermediary chemicals, employs 130 workers, mostly process operatives. Started in 1977, dependent on few single large corporations for customer base. Sites in North of England.	**Sweet, Fatal & Harm Stuff** Mild overt hostility. MD was a former union officer. Covert union suppression tactics dominant.
Merchant Co	Builders merchant, started in 1936 and grown through take-overs. Employs 3000 workers with sites across UK. Study exclusive to Yorkshire based HQ. Declining market share.	**Fear & Fatal Stuff** Union de-recognition during acquisitions of smaller firms. Overt hostility with slack labour market; redundancies and pay rates used to suppress unionisation.
Delivery Co	US-owned multi-national. Parcel delivery company with 53,000 employees world-wide. Study of 3000 workers across different UK sites, mostly delivery drivers and call centre workers.	**Sweet Stuff** Union substitution and sophisticated human relations. Promotion of strong corporate culture as disincentive to unionisation.

Findings

The nature of British employers' behaviour to unions does not seem as aggressive or overtly hostile as union-busting incidents reported in the US (Cohen & Hurd, 1998), despite some indication that British employers have been seeking the advice of US style anti-union consultants (Logan, 2001; Barnett, 1999). In four of the seven case studies the approaches taken by management were generally *ad hoc* and

opportunistic rather than purposeful or sophisticated. The three exceptions are Mini Steel, Petrol Co and the TEC, who actively de-recognised the trade unions and campaigned aggressively to remain non-union. Interestingly, an initial attempt to map the style categories of these three cases indicates a varied and uneven combination of approaches, involving fear but also sweet stuff, according to the Roy (1980) and Gall (2001) classification.

Equally interesting is that the evidence suggests British employers are to some extent aware of American-style union-busting tactics, even though these are not fully embraced. What seem to be emerging are hybrid forms of union avoidance particular to given organisational contexts, rather than any ideal approach toward union resistance. Significantly, the *variation* and *configuration* of employer tactics suggests that ideal typologies, be they either union 'suppression and substitution' or 'fear and sweet stuff' have the potential to ignore other deeper and more qualitative options available to employers. For instance, smaller firms simply did not possess the resource to offer substitutes to collectivisation and relied mainly on the suppression of workers' interests. Yet the language and interpretation of anti-union tactics were uneven and at times contradictory. Even in the smaller firms management sought to engender notions of loyalty and commitment through corporate symbols (Willmott, 1993). Equally, the image that large multi-national firms deploy sophisticated sweeteners to avoid unionism is again much more complicated on the ground. Here, employers did not consciously favour one approach over another but devised a configuration of union avoidance tactics '*particular*' to certain occupations or work practices.

Using this analysis three mutually inclusive dimensions are used to help understand the variability of employers' avoidance strategies, rather than the mapping of discrete typologies. These include *structural barriers, managerial ideology* and *cultural influences* that shape the pattern and form of employer behaviour with regard to trade unions. In effect, employer behaviour may well resemble one or more of the seven classifications, however in understanding why these approaches are pursued, consciously or otherwise, then this requires a deeper assessment of key influences at enterprise level.

Structural Barriers: 'by-passing union channels'

Albeit uneven across the sample organisations, bureaucratic and formalised rules prevailed to countenance the potential triggers to unionisation. Significantly, employers used the tried and tested economic (external) sanction that unionism would damage company profits and future job losses would be a likely consequence.

In almost all of these cases, management sought to devise flexible working systems justified on the grounds of external economic necessity. This created a structural barrier to collective organisation that served managerial aims. Pay, employment security and terms and conditions for workers were used as a tool to exercise greater managerial control. At Water Co it was common for workers to be dismissed and re-employed a few weeks later to circumvent statutory employment rights. If individuals or groups of workers proposed the idea of union representation, they were simply not invited back, according to the Managing Director.

While such extreme examples point towards 'fear stuff', it is important to understand that workers themselves were not ignorant of economic conditions and in most organisations management used other tactics in tandem with the threat of economic or structural instability. At Merchant Co, TEC, Petrol Co and Mini Steel management devised structures of employee voice that mirrored previous forms of collective representation. Management de-recognised the trade unions but in place they promoted their own form of employee involvement: company councils and semi-autonomous teams. Similarly, at both Delivery Co and Chem Co, management implemented a series of worker participation schemes to counter claims for collective representation. The Personnel Director at Petrol Co explained the rationale:

> *"We've actually collapsed everything into what we call an employee forum ... constituency-based representation, and that's critical is that; not based on tribal loyalties. We have 12 reps elected across the site and they are elected from defined areas ... [they] represent all the people within an area whether they're a craftsman, technician, a process technician, whether they're one of the secretaries, whether one of the managers in that area"*

Interestingly, at Mini Steel and Petrol Co, workers were fully aware of managerial objectives in devising (pseudo) participatory structures. Employees reported that they participated in such schemes in the full knowledge of management's intention to by-pass union channels. At Petrol Co, former union shop stewards were elected as the non-union staff representatives. Ironically, management willingly praised their consultation skills gained in a more adversarial industrial relations environment.

Against this backdrop of managerial attempts to create non-union consultative structures, workers at Mini Steel, the TEC and Petrol Co maintained close (and at times secret) links with the de-recognised trade unions. Workers actively sought to minimise the anti-union effect of managerial communications. In the TEC, for instance, it was reported by one senior union official that management had intercepted internal and external mail addressed to individuals suspected of being union sympathisers. At one visit to Mini Steel, management dismissed a union steward and commented that the price to pay at an Employment Tribunal was well worth it to remove a union activist[1]. While these approaches can be labelled as 'fear and harm', it is also important to understand the importance and relevance of the ideological origins of employer behaviour.

Ideological Opposition: 'you can't have a union'

Structural barriers to resist unionisation were often underpinned by the employers' ideological distaste of trade unionism. In some cases management were open in their own personal attitude towards unions, and this conveyed a very clear and intimidating message to workers. This was particularly evident in the non-union companies where managers and workers had no prior experience of unionisation; many workers were left without any recourse to the institutional support required to challenge management or to obtain a sympathetic ear. In many cases, management effectively substituted worker resistance with a climate of 'fear'. At Water Co one worker commented:

"join the union and you get sacked, that's it".

Other employees were equally fearful of potential managerial reprisals:

"I think a union could be useful here. [But] *if you were to welcome a union, then you'd have to ask yourself the question, would I be jeopardising my job if the union didn't get in? The management theory, I'd guess, is that the company's done well so far so why have one, and then to put your case to welcome one, means your going to be very, very unpopular, and that's not a good situation to have with the management here"*

At Mini Steel similar responses were articulated by workers:

"We've been told that if we even mention the union, then the job centre is down the street, turn left"

At Chem Co the Chief Executive openly praised former government laws that paved the way to articulate a clear anti-union message to the workforce:

"well, Maggies's [Margaret Thatcher] made it easier for me to stuff them, so they cant have a union and that's that".

Similar managerial attitudes were also evident at Mini Steel. The Personnel Director explained:

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[1] The individual in question won the case for unfair dismissal at an Employment Tribunal, with a compensatory award agreed rather than re-instatement.

"If an individual didn't share our vision they'd have to go and work for another company where they could enjoy that sort of representation".

The impact of such messages is not new. However, these anti-union sentiments rarely existed in isolation but were combined with other union avoidance tactics that made it difficult for workers to articulate a claim for unionisation. Thus while the classification of 'fear stuff' has a resonance with these incidents, there remain other qualitative aspects that require a deeper exploration in order to fully understand employer behaviour and union hostility.

Cultural Influences: 'facilitating the winning teams'

In many of these case studies management actively sought to socially construct a workplace culture that would engender loyalty to a (non-union) corporate identity. Thus, against a backdrop of managerial intimidation, there also coexisted specific organisational practices that mediated some of the harsh realities of employer behaviour. As Royle (2000) comments, what matters here is that practices such as long hours, unpaid overtime and working without trade union representation are symbols that can become internalised and accepted as the norm. A particularly important factor in this regard is how a discourse of language and meaning is interpreted inside the organisation. To this extent the use of fun, humour and games featured as a strong characteristic of non-unionism at Water Co, Delivery Co, Chem Co and the TEC. Significantly, this gave management the space and opportunity to counter any notion of collective representation while not appearing to be the bad guy. The Personnel Director was quite clear that cultural symbols particular to Delivery Co were important tools to counter any potential union recognition claims:

"We're not too sure how to tackle the [recognition] issue yet. We understand a bit more now, and we'll put some effort in to handle it 'our way' because we think it's the right thing to do"

Some of the detail about how management developed initiatives 'their way' included the promotion of fun and humour. In the call centre at Delivery Co, management encouraged employees to participate in competitive inter-team games, with financial and other rewards for 'winning teams'. At Water Co, which on the surface was among the more brutal and hostile of managerial approaches, management would pay for and encourage workers to enter local soccer tournaments. At the TEC management would pay for social events with the clear objective of diverting attention away from on-going union organising efforts. It was no coincidence that the intensity of union recruitment campaigns correlated with an increase in the budget to pay for social activities for workers. In a number of these organisations, this managerial tactic was relatively successful, as this Delivery Co employee makes clear:

"I think people can say and do what they want here without a union. People can put their suggestions forward and if somebody doesn't like it at the end of the day then they say so. It's not a bad working environment, it's not like a factory where it's dirty or filthy. We get free coffee, we have a laugh, there's a good environment. At the end of the day I don't think unions are necessary or help with the client needs for the direction of our industry"

What is significant here is that management would merge cultural initiatives with other, more aggressive anti-union tactics (structural and ideological) when the occasion demanded it. However, as Willmott (1993) argues, such cultural symbols are only effective control systems where employees 'internalise' managerial ideologies. At Delivery Co, perhaps the most sophisticated and certainly the largest and commercially successful of all the case studies, management found it necessary to remove their cultural velvet glove and reveal an iron fist of anti-unionism when the impact of corporate culture was found wanting. One call centre employee explained:

"There was a lady who worked here. She was quite happy for a union to be here. She doesn't work here anymore - she was too much that way and not enough the management way. She did leave on her own accord, but I think it was because she was made uncomfortable"

Another employee was left with no illusions when (accidentally) asking about union membership when starting a new job at Delivery Co

"At my last place they had a union ... I mentioned it when I first came here and I said to someone, 'have you got a union?' And they said, 'don't mention unions here or you will be out on your ears'. So I've never brought it up again"

Worker and union responses

The response from workers to the configuration of employer tactics demonstrates that labour is an important agent in the equation. Despite the absence of a trade union,

strategically placed workers were capable and willing to resist managerial authority. Above all, these reactions lend support to some of the new organising tactics that directly challenge a prevailing system of managerial control and corporate governance (Heery, 1998; Heery et al, 2000).

At Mini Steel an employee, known only as the 'Scarlet Pimpernel', would describe the Personnel Director as Napoleon Bonaparte with the use of graffiti propaganda to counterbalance management's anti-union message. Management never discovered the identity of that individual (see also Bacon 1999). Outside the company the trade union (ISTC) sought to challenge the employer's non-union behaviour with public campaigns targeted at the Personnel Director. He would be portrayed on fifteen-foot posters as the Tin Man from the Wizard of Oz (a man with no heart), or a macho manager characterised as Arnold Schwarzenegger in the role of the *Terminator*. Other resistance tactics included advertising union meetings at a given venue but holding it somewhere else to avoid management observations. In one case, a group of employees turned up for their weekly groceries at the local supermarket, only to exit at the rear and reconvene at another venue to hold a union meeting away from the watchful eye of management. While Mini Steel resembles a case of 'fear stuff' and 'union suppression', it is equally important to recognise the countervailing force of employee and union action. Indeed, since this research, Mini Steel has signed a union recognition agreement with the ISTC following a co-ordinated organising campaign by activists inside and outside the plant.

In cases that had no direct or prior experience of unionisation, workers found other innovative methods to challenge management. In one example at Water Co,

employees all attended work late so as to consciously disrupt production in response to a new rule that prohibited the use of company vehicles outside of work. On other occasions, workers found it necessary to challenge management in a more direct and aggressive manner, often when emotions had been running high and threats of dismissal circulated when unionisation was being proposed:

> *"I've told Kenny* [supervisor] *before, so it's not that he doesn't know, gives me any of that 'you'll be down the road' crap or 'I'm 'history' and he'll take his head home in a bag, and I've told him. Stupid threats, that's all he's good for"*

Other more subtle methods were also discovered at Chem Co, Delivery Co and Petrol Co. Workers would halt or delay production on the premise that they were discussing quality issues, or extend non-union voice mechanisms such as team briefings and quality circles for their own rather than employer objectives. In many respects, workers were simply 'getting-back' and 'getting-by' for what they regarded as excessive managerial control practices.

Conclusion and Discussion

There are two immediate issues arising from the evidence presented in this article. The first concerns the way non-union organisations, and in particular classifications of employer behaviour, have traditionally been viewed and understood. The second is the extent to which new methods of union organising, such as those depicted by the TUCs New Organising Academy, may stand-up against employer hostility towards unions.

Non-union typologies

The variation in employer approaches to resist unions is more complex and uneven than either suppression or substitution would otherwise imply. The often cited view that non-union employers are either 'good, bad or ugly', or 'suppress or substitute' union triggers is in many respects a misnomer. In the smaller case study firms, such as Water Co and Chem Co, management could not afford the same substitution strategies deployed by the larger organisations, such as Delivery Co or Petrol Co. Moreover, the configuration of union avoidance tactics did not fit neatly into either of the managerial approaches reviewed here. On Roy (1980) and Gall's (2001) classifications, Delivery Co, Mini Steel and Petrol Co may be labelled as 'sweet', 'fear' and 'harm stuff' respectively. Yet each of these organisations also utilised a combination of specific practices that made sense only within their respective contexts: above average salaries, training schemes, devolved management, non-union voice mechanisms as well as intimidation and threats. There is thus a danger that such typologies represent ideal rather than real situations.

Similarly, in the smaller firms management displayed a degree of overt union hostility in tandem with less aggressive methods. It would appear that many of these non-union employers resist unions in an ad hoc, particularistic fashion depending on the combination of specific internal and external factors. Among all these influences, managerial attitudes towards unions would appear to be one of the more significant explanatory factors, followed by structural barriers and cultural symbols which have a certain meaning in the specific organisational context. Moreover, these structural,

ideological and cultural influences also seem to coexist in different ways over time and space within the same firm.

Union organising methods

The pattern of employer behaviour also offers some limited insights into the prospect of union organising among such enterprises. In response to a simple attitude survey, workers in these firms were either mildly or significantly supportive of the principle of union representation. However, one pragmatic implication concerns the efficacy of a union to correct a perceived injustice. In many of these companies workers were fearful of managerial reprisals and this led them to question the ability of a union to effectively challenge managerial attitudes or provide any instrumental job improvements (Dundon, 2001). Given the complexity and unevenness of both employer behaviour and worker responses, it is debatable what sort of union campaigns can counterbalance managerial hostility and alleviate worker concerns. In part this is because existing evidence suggests a dual strategy by the unions: they want to appear respectable to employers while at the same time trying to appeal to workers.

However this conveys the concept of universalistic mutual gains without due regard for the context-specific factors prevailing in an organisation. There is some research to suggest that a partnership approach may allow employees to articulate their voice (Marchington et al, 2001), or promote union membership through in-fill recruitment (Heery, 2000). Significantly, partnership is often a function of managerial support given the pre-existence of collective representation or owing to the industrial relations legacies in an organisation.

This is not an option in the case studies reported here. It is difficult to envisage the notion of partnership appealing to an employer who is fundamentally opposed to the very existence of a union (Kelly, 1996; Claydon, 1998). Of course much depends on the contours of specific partnership arrangements. Recent evidence indicates that 'weak' rather than 'strong' partnerships are developing in some non-union organisations (Knell, 1997; Marchington et al, 2001), perhaps in anticipation of possible union recognition. Indeed, it is highly probable from the evidence presented here that a 'weak' (non-union) variant of the partnership model may be used to pacify worker concerns, as in the non-union employee voice mechanisms found at Delivery Co, Chem Co and Petrol Co. It is also evident that informality and the promotion of a distinctive cultural identity can ameliorate the unpleasant experiences of managerial control strategies (Grugulis et al, 2000). In one respect this can help understand why workers may find unionisation either less attractive or indeed unattainable, depending on the precise configuration of employer strategies to remain union-free.

Given that the prospects for mutual gains between unions and employers are unlikely in many of these firms, a second implication is to raise the question as to 'what' organising methods could be more effectively deployed. Space restricts a full debate, although there is a case for recent union tactics that target specific groups. Evidence suggests that organisers are more likely to have a greater chance of recruiting like from like (TUC, 1998; Bronfenbrenner et al, 1998; Heery et al, 2000). It seems that women can recruit other women more effectively and younger recruiters have more success targeting a younger workforce. It may be that union campaigns in non-union sites could benefit from deploying organisers with experience of such environments,

occupational groups and corporate systems of governance. They could 'map' employees and target potential recruits based on organisational-specific concerns, rather than devise strategies based on what may be a misleading 'ideal type' of employer behaviour.

The third implication concerns current legal and political developments in the UK. One view is that union organising may require an extension to current state support in order to overcome intimidation and exploitation. Small firms are exempt from certain statutory rights contained in the Employment Relations Act (1999) and European Works Council legislation. One estimate suggests that up to five million workers will be effectively 'disenfranchised' (Winters, 1999). In some of the firms explored here it is clear that extended legal measures could alleviate some worker fears. In Water Co and Mini Steel, intimidation was more than perceptual - management sacked even suspected activists.

This raises the important issue of how to mobilise workers to counter-balance the harsh realities of job insecurity, managerial resistance and employee deference at a time of depleting union finances. The solution of extended legal rights is a vexed and difficult issue. Experience from the US suggests that detailed certification procedures benefit anti-union managerial objectives. In the UK some employers are already seeking the advice of US-style anti-union consultants and law firms (Barnett, 1999; Logan, 2001). However, and as welcoming as union recognition legislation is to organised labour, the ability of the law to overcome employer hostility is less convincing than the agency of labour itself. As Kahn-Freund (1977:10) once commented: "*trade unions are more likely to be an effective force in redressing the*

imbalance of power … than the law is, or ever could be" (Davies & Freedland, 1983). Given these difficulties, it would appear that unions would benefit from a genuine organising model that has the ability to challenge employers who essentially have a "detestation of what unions are by nature" (Roy, 1980:409). If the alternative is service-based unionism underpinned by the philosophy of mutual gains between employer and unions, then the chances of mobilisation seem much weaker in the cases reported here.

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