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***Counterpoising non-union representation:
union organising and the managerial agenda:***

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Abstract

Non-union employee representation is an area which has attracted much interest in the voice literature. Much of the relevant literature has been shaped by a dialogue which considers NERs as a means of union avoidance. More recently however scholars have suggested that for NERs to work in such contexts, they may need to be imbued with a higher set of functionalities to remain viable entities. Using a case study of a union organising drive and managerial response in the form of an NER, this paper contributes to a more novel and nuanced interpretation of this dialogue than hitherto exists. A core component of the findings directly challenge existing interpretations within the field; namely that NERs follow a ‘contradictory logic’ or ‘riddle’ of managerial action. It is argued that the NER body failed to deliver for employees because of structural remit, rather than through any ‘paradox’ of or ‘riddle in’ managerial intent.

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A well-documented feature of employment relations over the last twenty years or so has been the progressive diminution of trade unionism. One consequence of this has been that the study of employer-sponsored, non-union forms of employee representation (NER) have assumed increased salience. Yet serving as the antithesis of unionized collective bargaining, it is no surprise that NERs have often been interpreted, and indeed been used, as vehicles for circumventing trade union influence in organizations (Gall, 2004). A range of studies, frequently written under the sponsorship of radical interpretations, have illustrated how NERs are often deployed in the midst of organizing campaigns to supplant trade unionism. Consequently NERs have been treated with an enduring skepticism amongst many Anglo-Saxon scholars of employment relations who have tended to conceive such bodies as an assailment on genuine employee voice and workplace justice (Upchurch *et al.* 2007).

Yet an alternative literature, often ensconced in neo-pluralist concerns, has increasingly argued that while union-avoidance may trigger such bodies, employers may come to later imbue them with other functionalities in an attempt to foster a 'mutual gains' environment underpinning by the architecture of soft HRM (Taras and Kaufman, 2006). Thus in attempting to move beyond the 'substitution' thesis, this literature on NERs have tended to emphasis that managerial strategies can often be quite complex and underscored by a variety of aims and objectives (Ackers *et al.* 2006). NERs imbued with the singular logic of combating union organizing drives and little else, are seen to be potentially self-defeating if not co-aligned with a wider HR agenda of employee commitment and morale.

The purpose of this article is to consider the differing literature interpretations of the radical and neo-pluralist schools empirically. It considers evidence gathered from a qualitative case study of a British telecommunications multinational and its efforts to introduce an NER in the midst of a robust trade union campaign for recognition in the Republic of Ireland. Whilst the NER was designed chiefly to undermine employee support for unionization, it was co-aligned with a broader managerial strategy of cultural change in the organisation in a bid to foster greater involvement and participation. Using the rival interpretations within the literature to frame the empirical data we examine the success of the NER in securing this dual managerial agenda. Principally the paper considers to what extent this strategy dissipated employee support for unionization and the extent to which it was capable of moving beyond its initial remit of union avoidance in securing a high-commitment work environment.

Our findings suggest that in this case such a strategy proved ineffective due to a number of concomitant conditions. First, the managerial agenda in developing the NER was principally rooted in the defense of the non-union prerogative and heavily imbricated with a collaborationist business logic which clashed with employee aspirations to act as an autonomous power broker in the relationship. Thus efforts to sell the NER had self-defeating consequences as subsequent employee aspirations were not met, leading to further employee disaffection. Thirdly and relatedly, serious issues of collective injustice amongst employees which could not be reconciled within the sphere of non-unionism prevailed and these were fanned by the existence of a small band of committed union activists. In conclusion the paper seeks to relate the findings of the study to the relevant conceptual debate on NERs within the literatures. Additionally further implications for future conceptual and empirical work in this area is considered.

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