Grievance Formulation & Expression:

a Comparative Workplace Study

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Abstract:

This thesis concerns the expression of discontent, comparing how grievance formulation varies between different workplace regimes. Grievances, formal complaints raised by workers individually, are an understudied feature of workplace life, providing an opportunity to enrich understanding of how workplace conflict has been reorganised. Declining collective disputes and rising individual disputes over four decades appear as 'mirror images' (Dix et al 2009). What is unclear is the degree to which these parallel developments reflect the same causes, with changing forms of expression reflecting differing means to similar ends (Edwards 1986: 9). Deciphering the extent of 'method displacement' (Gall and Hebdon 2008), requires appreciation of how discontent is expressed through alternative trajectories of expression. Grievances, which underlie other more formalised expressions, provide a useful vantage of study to trace how conflict has evolved.

Kelly (1998) enjoined industrial relations scholars to focus on social processes of interest definition in understanding collective action and inaction. Here, this framework is expanded toward explaining alternative trajectories of conflict, particularly how grievances can express 'collective issues writ small' (Bacon and Storey 1996). An analytical framework is developed to trace not only *how* conflict is expressed but *what* is expressed, to illustrate the reorganisation of conflict expressions. Data is drawn predominantly from three workplace case-studies, featuring varying levels of unionisation. The research illustrates the malleability of expressions of discontent, and how the nature of grievances varies in relation to the degree to which workers' interests are aggregated and represented collectively. In the context of union decline, workers are generally subject to increasingly punishing workplace regimes, but there exists a considerable gap between the breadth and depth of discontents experienced and the formulations raised in grievances. This gap is diminished where unions have the strength to create and maintain robust collective agreements, leaving a more limited role for grievances.

Chapter 1: Introduction

1.1 The 'Problem' of Individual Disputes

The contemporary context of this research project is the 'problem' of the dramatic increase in individual employment disputes witnessed over the last four decades (Graph 1 overleaf). As strikes have declined, tribunal claims are increasingly taken as the most prevalent indicator of conflict at work (Saundry et al 2014, Renton 2012). Grievances are a much more common though poorly documented phenomena. They may range from fairly 'gentle questioning' of management towards more fundamental opposition and where they are not resolved satisfactorily at workplace level, workers[1] may apply to tribunal to have their complaint considered in a quasi-judicial setting. The number of tribunal applications and the causes of their rise had come to be a major policy concern by the late 1990s (c.f. DTI 2001), giving rise to competing analyses which have become increasingly polarised between government and critical commentators, reflecting alternative perspectives on conflict as either pathological, or as a legitimate and inevitable outcome of employment relations under capitalism (c.f. Fox 1974). The dominant policy discourse stresses that the tribunal system is flooded by 'weak and vexatious' claims of dubious merit, brought by litigious individuals who make speculative applications in hope of securing a big pay-out. This is viewed as a major burden on employers who are discouraged from hiring. The drivers of rising tribunals are seen as overly generous employment rights and a permissive judicial system. The second type of analysis sees the rise of tribunal applications as the latest manifestation of workplace conflict, an inevitable feature of the employment relationship. The main driver is seen as the de-collectivisation (Smith and Morton 1993) of employment relations and the representation gap (Towers 1997) increasingly prevalent in the context of union decline, leaving legalism as the last resort for aggrieved workers.

However, there has been little attendance from either camp to empirical evidence of how discontent in the workplace is formulated towards particular trajectories of expression. As Deakin notes, with specific reference to dispute resolution, "the debate over employment law reform is in danger of being overwhelmed by rhetoric and misinformation" (Renton

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[1] Depending on qualification for particular rights such as unfair dismissal. Some rights apply only to 'employees' whereas others apply before employment commences e.g. in relation to discrimination in recruitment and selection processes.

2012: back cover). Since the late 1970s the volume of tribunal claims has risen fairly steadily. By the late 1990s government and business groups were expressing concern over the costs of the system to the taxpayer, the burden upon employers and the extent to which it was fit for purpose. Yet, concern for how *grievances* are handled *in the workplace* has only been indirect, with policy focusing on situations where they escalate towards the highly formalised setting of the tribunal. Successive reviews looked at the tribunal system and worked backwards making assumptions about the nature of workplace relations from which disputes arise (Saundry et al 2014), rather than understanding real-life trajectories of conflict in the workplace that may lead to disputes. Thus, whilst the issue of tribunals dominates news headlines and policy discourse, surprisingly little attention has been given to the character, emergence or resolution of grievances in the workplace.

Graph 1: ET Applications 1978/9- 2011/12 (Dix 2012)
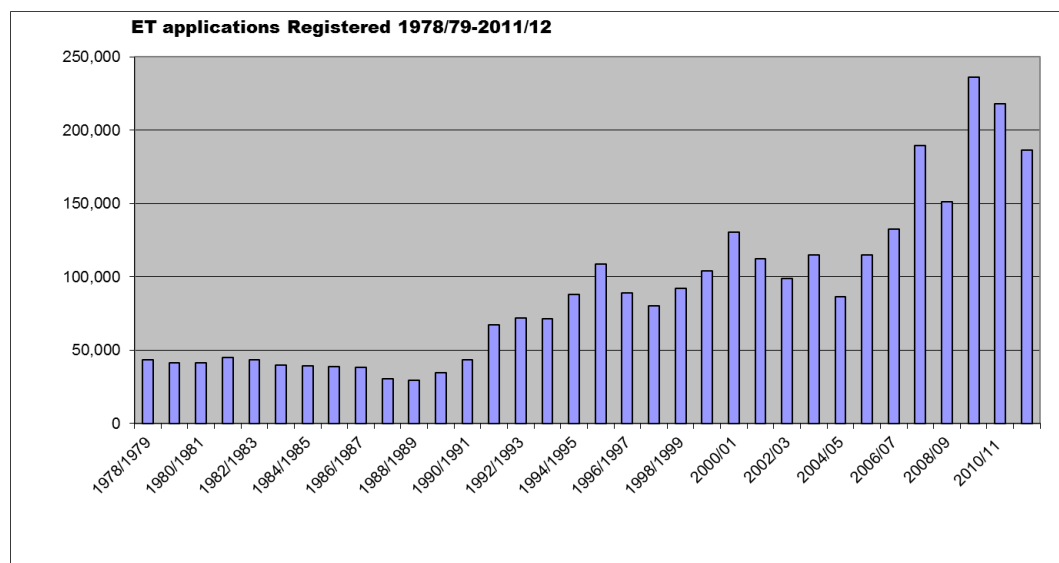
The latest reforms to the employment tribunal system (within The Enterprise and Regulatory Reform Act 2013) have been the most explicit avowal of assumptions that have informed the direction of policy on individual dispute resolution going back to New Labour in the late 1990s (c.f. DTI 2001, Gibbons 2007). The belief has been that it is too easy for individuals to raise tribunal claims, discouraging hiring, stifling managements, and burdening taxpayers (c.f. BIS 2011, 2012). **'**Nuisance litigants' are apparently raising 'weak and vexatious' applications, claims of dubious merit, to undeservedly cling on to their jobs

or seek financial compensation. The remedies imposed have been of two types. Firstly, the act weakened the employment rights on which claims can be brought. Secondly, imposition of fees made it more difficult and costly to apply to tribunal. Justifying their recent extension of the qualifying period for unfair dismissal protection from one to two years on the basis that employers now find hiring 'too risky', the Coalition Government have emphasised that theirs is a 'growth agenda' aimed at economic recovery (*ibid*). After initial controversy surrounding proposals contained in the leaked 'Beecroft Report' (2012) advising the complete removal of certain employment rights (such as protection against unfair dismissal) and significantly weaken others, Government repackaged their approach offering employees the chance to 'opt-out' of certain employment rights such as unfair dismissal protection and redundancy rights in exchange for a financial stake in the firm. However, the evidence base for the assumptions upon which this policy programme is based is dubious. The reforms appear to be a purely ideological assault on expressions of workplace conflict as pathological, and employment protections as unnecessary 'red tape' (c.f. Busby et al 2013). There is concern that these proposals will sweep away hard won rights in exchange for a quick though uncertain financial incentive (c.f. David Mitchell's opinion piece in *The Guardian* 2012). Perhaps even more dramatic has been the imposition of fees of up to £1250 to bring a claim to tribunal, beginning from July 2013.

This version of the 'problem' of individual disputes and emphasis on the tribunal system, that has been at the heart of successive policy reviews, is questionable on at least 3 counts: The first count is that the tribunal system is flooded by 'nonsense' claims that lack substance. If anything, problems at work are under-reported, with only around a quarter of those experiencing them (many of which were clear rights infringements) seeking to do anything about it (Pollert and Charlwood 2009). The second, related count is that it is too easy to bring claims. Users of the tribunal system report that it is lengthy, legalistic and intimidating (*ibid,* Busby and McDermont 2012, Renton 2012). Thirdly, whilst trumpeted by the employer lobby, the evidence to support the idea that employers are discouraged from hiring by overly generous employment rights is not compelling. A recent survey by the Chartered Institute of Personnel and Development found that less than 6% of employers cited the potential for unfair dismissal claims to be a deterrent from hiring[2] (CIPD 2011). A BIS commissioned study found that "the perception of legislative burden may be more

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[2] Notably this question was asked of employers before Government went ahead with the decision to reduce protection from unfair dismissal, from covering those with one, to two years' service.

indicative of employers' anxiety than the actual impact of regulation on running a business" (Jordan et al 2013: 44). Government's rationale has been that they are simply attempting t weed-out weak claims, but there is concern that narrowing access to justice (Busby et al 2013), merely removes "incentives for employers to take steps to resolve disputes when the least cost option may simply be to terminate the employment relationship" (Saundry et al 2014: 7). Thus workers are likely to face increasing problems at work with more limited means to redress. The most recent reforms appear to have had a dramatic effect, suppressing the expression of conflict through tribunal claims. Following the imposition of fees for applications and hearings in July 2013, the latest figures show a 79% drop in applications between October-December 2013 and the same period in 2012 (MoJ 2014).

It is highly unlikely that this sudden drop in claims reflects an improvement in workplace relations but rather that a high proportion of people have been priced out of the system. Saundry et al (2014: 12) suggest that the changes are likely to "drive workplace problems underground." Challenges are beginning to emerge that argue that the way in which the 'problem' of individual disputes is being conceived by Government is narrow and misplaced. Gill Dix, head of research and strategy at Acas, whilst careful in her language, has questioned whether successive reviews of dispute resolution have focused on the right questions (Dix 2012). In particular she cast doubt on whether the explicit focus on tribunals has been the right one stating that "important aspects of conflict [as an inevitable feature of employment relationships] have gone missing" (*ibid*). From a perspective that encompasses the broader reconfiguration of conflict expression, critical scholars emphasise that the employment relationship is one of 'structured antagonism' (Edwards 1986). The decline of the strike and union membership (as the organised expression of discontent) does not signal that employment relations have improved, workplaces are more harmonious or that conflict is a thing of the past. It is more accurate to account for the rise of individual disputes as a result of the restriction of the ability to take collective action (Smith and Morton 1993, Kelly 1998, Drinkwater and Ingram 2005). Rising tribunal claims appear as the "mirror image" of the decline of collective disputes over several decades (Dix et al 2009, see Graph 2 below), suggesting a displacement of traditional means of expressing conflict (Gall and Hebdon 2008).

The 'displacement' thesis views union decline as having left a "representation gap" within the workplace (Towers 1997). At their height ain the late 1970s, unions represented over

half of the workforce, and were recognised in nearly two thirds of all workplaces (Achur 2011, Kersley et al 2006). By 2013, only 26% of employees were union members, and 22% of workplaces had recognition (van Wanrooy et al 2013: 57-59). The private sector has seen particularly dramatic union decline, though public sector unionism has been much more resilient with respective drops in the percentage of workplaces with recognition falling from 1980-2011 from 94% -92% in the public sector and 50% to 16% in the private sector (Kersley et al 2006; van Wanrooy et al 2013: 57-9). Millward et al (2000: 234) chart the transformation of the system of collective employment relations, the norm for much of the post-war period from the late 1980s onwards. This system, "based on the shared values of the legitimacy of representation by independent trade unions crumbled… to such an extent that it no longer represents the dominant model." Thus, the majority of workers have little means of adjudicating disputes other than recourse to the tribunal system, as with the declining coverage of trade unions, the capacity of workers to mobilise effective (collective) opposition diminished. Workers have little opportunity to influence decision making in their workplaces or have a fair hearing in grievance and disciplinary situations as their power to press their demands has been depleted. Whilst new actors have arisen to offer advice in relation to resolving grievances and help individuals navigate the tribunal system, and well established organisations like Citizens' Advice are taking an increasing role in employment advice, there are limitations to the assistance such organisations can provide, comparing unfavourably with workplace-based representation by a continuous body (c.f. Abbott 1998, 2004, 2006).

Gall and Hebdon (2008: 589) argue that union decline has led to "what we term 'method displacement', such that the inability to express grievances and discontents through strikes finds expression through alternative or covert means." Elsewhere, this thesis is presented with varying degrees of certainty. In a broad-brush version, fairly direct links are made between the suppression of collectivism and the rise of individualised conflicts as 'de-collectivisation' (Smith and Morton 1993). Shackleton (2002) talks of rising tribunal applications as the 'flipside' of union decline. In relation to increasing requests for individual assistance from Acas, Brown and Towers offer that:

"One way of putting what has happened would be to say that the recent growth… has not been *despite* the decline of collectivism in employment, but because of that decline. It has been the retreat in the coverage of collective bargaining and of both trade unions and

employer associations with their established channels of representation and grievance settlement, which has forced so many individual employees and small employers to turn to ACAS for conciliation and advice" (2000: x).

Graph 2: The Decline of Strikes and Rise of Tribunal Cases (Forth 2013)
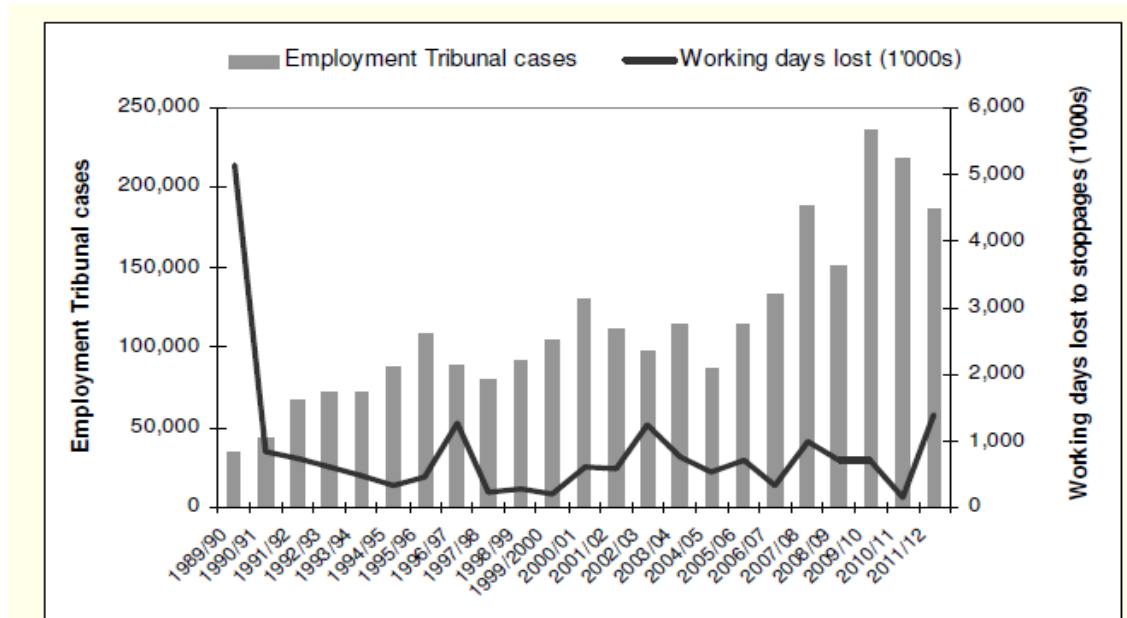
There is evidence from the 1998, 2004 and 2011 Workplace Employment Relations Surveys that a union presence within the workplace is associated with fewer tribunal claims (WERS, c.f. Dickens and Hall 2003, Cully et al 1999, Kersley et al and van Wanrooy et al 2013). This suggests that the decline of unionism may be a significant factor in the rise of individual disputes. However, the notion of 'method displacement' is a vague one, in need of clearer conceptualisation and demonstration. Particularly opaque in these debates is the nature of complaints raised in different forms of disputes and how discontent is formulated toward alternative trajectories.

More cautious versions of the displacement thesis, as found in Dix et al (2009), note that comparing different forms of conflict in terms of equivalence is analytically tricky. Collective disputes tend to be recorded as concerning pay rises whereas tribunal claims tend to concern unfair dismissal or unpaid wages, and (whilst solid data are patchy) grievances at

workplace level are thought to increasingly feature 'bullying' and unfair treatment by managers (IRS 2010, Pollert and Charlwood 2009, Suff 2011, van Wanrooy et al 2013: 153). Therefore, we cannot simply read-off rising tribunal claims as individual fragments of would-be collective issues. We have not seen, or are likely to see large scale actions over pay being replaced by grievances over pay among an equal number of workers. Is it then useful to think of individual disputes as different means to similar ends (c.f. Edwards 1986)? In this thesis, the task of making better sense of this problem is attended to by examining the nature of discontent underlying particular categories of expression and the processes by which alternative trajectories are pursued.

There is a need for much more fine-grained analysis of trajectories of expression, how conflict comes to be expressed as grievances, tribunal applications, collective disputes, or resolved informally. There has been a neglect of the formulation and shaping of discontent in the workplace towards particular trajectories of expression by both the dominant policy discourse on individual disputes, *and* broader academic perspectives on the changing pattern of conflict expressions. This neglect is surprising given the policy emphasis placed upon speedy, informal resolution of conflict, *as close to the source as possible* for many years, as entrenched in the principles of Acas (c.f. IDS 2010), and the rich academic tradition of ethnographic workplace case-studies such as Batstone et al (1978) who studied such processes in relation to strikes several decades ago. Furthermore, the displacement thesis suggests that individual disputes are a problem *where collectivism is absent,* supported by findings that ET applications emanate from unionised environments less frequently (Dickens and Hall 2003, Kersley et al 2006). But interrelations between individual and collective expressions have not been well demonstrated. It has been particularly rare for studies "to capture the more subtle, informal management of individual workplace conflict" (Suff 2011:1).

In this thesis, an important research gap in a currently controversial area is attended to. Policy reforms have been based upon questionable conceptions of the 'problem' of individual disputes, disjointed from the broader reconfiguration of conflict at work. A review of existing literature reveals that whilst industrial relations (IR) and labour process analysis (LPA) share a concern with the reorganisation of conflict in the context of union decline, neither has focused on grievance formulation and expression within the workplace. This subject matter falls into a more general 'connectivity gap' between experience and

resistance at the point of production and the mobilisation of formal collective action (Thompson and Newsome 2004). Two literature chapters, one focusing on the changing *forms* of conflict expression, and another on the degree to which the *content* of expressions and the bases of discontent have altered, inform one overarching research question:

How do grievance expressions and their processes of formulation vary in different workplace regimes?

This overarching concern is articulated into four sub-questions:

1. What are the main sources of discontent in the contemporary workplace?

2. How and why do grievances come to be formulated into particular categories of expression?

3. How and why does discontent come to be expressed in grievances rather than other, alternative trajectories of expression?

4. How do contextual factors (i.e. workplace relations, the nature of managerial regimes, of collective worker organisation and the frontier of control between them) impact the trajectory and formulation of discontent?

Answering these questions requires detailed contextual analysis of grievance expressions in the workplace and how they are organised, and extended analysis of the broader political-economic context in which workplaces are embedded. Chapter four discusses the research design, providing a critical realist perspective on the objects of study, explaining the concepts of grievance formation and formulation in ontological and epistemological terms.

The empirical component of the thesis centres upon comparative workplace cases-studies varying in levels of unionisation, examining grievance expressions and their processes of formulation in different workplace regimes. Additionally, in order to get a wider sense of range in the nature of grievances arising in workplaces, and to help select appropriate comparative case-studies, a preliminary phase looked at grievances raised in multiple workplaces, drawing from the experiences of the staff and clients of an employment rights centre ('ERC'). The ERC data explores grievance expressions in terms of the nature of grievances that arose, seeking discernible patterns in the nature and contexts of particular

formulations. The ERC sample involved 'vulnerable workers' (Pollert 2010), who came from workplaces without union representation, providing access to a number of 'live' grievance narratives to ground early concepts, suggesting features of workers' situations that led to grievances of particular types.

The intensive phase of study delves more deeply into explaining patterns of grievance expressions in relation to their workplace settings, which include: the nature of work and sources of discontent, the extent and character of worker organisation, relations with management, the lie of the frontier of control and how all of these relate to processes of grievance formulation. Case-selection was initially based on theoretical propositions, with comparable workplaces being sought that allowed variation in the level of worker organisation and collective strength, a basis which was further refined and solidified by the ERC data, and preliminary interviews with trade union gate-keepers. Three workplaces were selected. 'Shipyard', a strongly organised context with 99% of employees in union membership, has a long established presence and bargaining structures. 'Teleoffice' a communications contact centre, and part of an ex-public utility, has a high level of density at around 80%. 'Bankcentre' is a financial services call-centre with a low, but growing percentage of membership which expanded from ten to close to 30% during the period of study. In each case, in-depth, loosely structured interviews were supplemented by non-participant observation and analysis of organisational documents and data such as grievance policies and records.

The cases are presented in chapters six, seven and eight. Each chapter is organised around three main sections. First, the nature of work, the labour processes and union-management relations are considered as sources of discontent. Second, the extent to which conflict is articulated and contested, via workplace unionism as its organised expression, and through grievance expressions and collective demands and complaints. A third section considers unresolved tensions and difficulties workers and their organisations face in articulating and contesting discontent. Throughout, patterns of grievance expression and formulations are related to the nature of workplace regimes in which they occur and the degree of control workers exert through their collective organisations.

By exploring the main sources of discontent in each workplace and the extent of their expression in grievances, the chapters illustrate how the formulations of the same underlying issues differ when expressed individually and collectively. In comparison, the

cases uncover the aspects of workplace regimes that result in particular patterns of grievance expression. Understanding the complexity of grievance expressions allows us better connection between debates about the reconfiguration of conflict at work and the evolving nature of work and the way it is experienced, illustrating how the individualised expressions of collective issues are formulated. Comparing a traditional, highly organised setting with newer workplaces, with lower levels of union density, gives a view to how employment relations and the experience of work have changed as unions have declined. The prognosis is bleak. Whilst a number of meanings can be detected in the use of 'bullying' as an increasingly prevalent grievance formulation, and general descriptor of experience, the central evocation attests to an increasing sense of powerlessness among workers. However, 'bullying' is not simply a new name for an old problem (Lee 2000), but also reflects particular features of work that have emerged more prominently in the last two or three decades with a distinctly Neo-Liberal bent, bearing the imprint of market deregulation, heightened insecurity, and intensification which workers are subject to.

The findings enrich understanding of 'method displacement' (Gall and Hebdon 2008). Following Kelly's (1998) call to examine social processes of interest definition in explaining the appearance of collective action and inaction, the study explores trajectories of grievance expression and how they are formulated. In examining the nature as well as organisation of grievance expression, the study attends to the changing nature of work which colours the expressions of discontent, which have shifted concomitantly with the forms of expression. Aggregate trends of working harder, with more skill but with less autonomy, combined with the decline of organised labour go a considerable way to explaining why bullying has become the "solar collector of resentments" (McCarthy and Mayhew 2004: xv). This finding accords with the work of Hoel and Beale (2006) and Ironside and Seifert (2003) who view 'bullying' as endemic to the capitalist employment relationship and a tool of managerial control that has become more evident in the context of union decline.

Whilst there is no straightforward relationship between trade union presence and effective interest representation and grievance resolution, unionism is often a proxy for a degree of workers' control and aggregation of interests. Such organisation prevents grievance procedures from becoming over-burdened with problems they cannot resolve. Linking changing means of expression conflict with shifting formulations provides sharper

explanation of how work and its experience have changed over the last 40 or so years, through greater 'connectivity' (Thompson and Newsome 2004) between IR and LPA, with their respective blindsides. The contribution of this thesis is to re-conceptualise grievance as a means of conflict expression that involves complex and contingent formulations of discontent that may take alternative trajectories. Appreciating the way in which different contexts and institutional avenues dress formulations shows us why it is not only the form but necessarily the content of expressions that has changed over the last thirty to forty years. An understanding of the 'problem' with individual disputes must be placed in context of the broader reconfiguration of conflict. These findings should be of interest to policy makers, trade unions and practitioners interested in dispute resolution.

Chapter Two:

Grievance Expression and the Reformulation of Conflict at Work: Deciphering 'Method Displacement'

2.1 Introduction

The introduction set the research problem in its conceptual context and showed the reader how the thesis is organised. A key point was that understanding the 'problem' with individual disputes requires appreciation of the broader context of the reconfiguration of conflict. This chapter maps this broader vista, considering approaches to the study of conflict at work and its changing forms. Grievance is a means of conflict expression that has been little studied, but is becoming the main formal means by which workers express discontent in the workplace as collectivism has declined. It underpins potential and actual tribunal claims, an area in which policy reforms have been light on evidence, offering a window into workplace relations from which they emanate. Much of the research to date on grievances, which comes mostly from a North American, organisational and positivist perspective, has been limited conceptually. It has not been the focus of much research or theory in British industrial relations (IR) *or* labour process analysis (LPA) both of which are vitally concerned with the nature and organisation of conflict. Grievance expression, appears to have fallen through the gaps between their spheres of foci- IR on the *collective* institutional manifestations of conflict (unions, collective bargaining and strikes and more recently tribunals), and labour process analysis on a wider remit of oppositional, often subterranean forms of resistance and misbehaviour in response to evolving managerial priorities. Though unions have always represented members individually, and many discontents emanating from the point of production (the distinctive sphere of labour process analysis), become grievances, such expressions and the processes of their formulation have been largely ignored, leaving our theoretical understanding of the meaning and significance of a reconfiguration of conflict at work impoverished. The chapter synthesises these disparate literatures that share a concern with some notion of 'method displacement' (Gall and Hebdon 2008) that has occurred over the last thirty to forty years

and discusses why an examination of grievance expressions can help decipher the direction and drivers of this trend.

There are three substantive aims of this chapter: First, to explore the nature of the employment relationship and its conflictual elements; second, to consider how the nature of conflict expression has changed over the last three to four decades; third, to develop an analytical strategy to improve our understanding of the nature and meaning of the reconfiguration of conflict. The central thread of argument is as follows. Beginning with the need to situate the policy 'problem' with individual disputes (and particularly tribunals) within the broader reconfiguration of conflict, the chapter examines the nature of the employment relationship as one of 'structured antagonism' (Edwards 1986). Conflict arising from this relationship may take numerous expressions which are to some extent interchangeable, and certain forms may be complementary, as largely appears to be the case with grievance expression and collective bargaining at the height of trade union power that peaked and began to trough around the late 1970s and early 1980s. Whilst unions and the strike as their main means of expressing conflict and pressing their demands have dramatically declined, the basic rationale of collectivism has not (Kelly 1998). Unions are the organised expression of discontent and a means by which workers protect themselves from the power asymmetry inherent in the employment relationship. The spread of HRM and various associated initiatives proclaiming a new consensus have not altered the heart of the employment relationship as antagonistic and contradictory. Whilst formal collectivism has declined, individual complaints and requests for assistance to CAB, to ACAS and applications to tribunal have also grown concomitantly. A prominent thesis is that this is best understood as reflecting some version of 'method displacement' (Gall and Hebdon 2008) whereby the marginalisation of unionism has meant workplace conflict has found alternative expressions. There is debate about the key drivers, but the evidence points most heavily towards the success of the state and employers in progressing 'de-collectivisation' of employment relations (Smith and Morton 1993), and the 'counter-mobilization' of labour (Kelly 1998), in combination with the failings of unions themselves to effectively respond to changes in workplace composition and the structure of the labour market.

However, 'method displacement' has to date been poorly conceptualised and demonstrated by empirical research. Particularly lacking is attendance to changing formulations of discontent that accompany changing avenues of expression. Attempts to

consider individual and collective disputes within the same framework has led to head-scratching over how to make meaningful comparisons between what is raised and contested. What does it mean that we have moved from strikes over pay, to tribunal claims over unpaid wages and unfair dismissal and grievances over 'bullying'? Understanding the formulation of grievances at workplace level is a key piece of the puzzle. Grievance procedures, which shape the nature and character of grievance expressions, have proliferated as part of collective bargaining for the institutionalisation of conflict, but have become detached from it. In 2011, whilst 97% of workplaces in the UK had a procedure for individual grievances, only 23% are employees covered by collective bargaining (van Wanrooy et al 2013: 157, 79). Without the aggregating function of collective campaigns and bargaining, grievance procedures are left to sweep-up problems that they cannot resolve, grievance expressions become intractable and workers lack the power to hold management to fair hearings of them. From the late 1970s onwards, the institutitonalisation of conflict by the state and employers was progressively steered towards individual means of expression. However in the last years, the Coalition Government has shifted the direction of policy towards suppressing formal means of resolving conflict entirely towards informal resolution, with a number of recent reforms restricting access to the tribunal system and withdrawing employment rights on which applications are based. It is argued that this is at best misguided. Sections on the changing nature of state regulation, from the promotion of collective bargaining towards that of individual rights and the recent halt on the latter's proliferation suggest a new phase of conflict expression as the tribunal system is closed-off.

The conceptual framework presented draws considerably on Kelly's (1998) critique of IR's institutionalist bias. Mobilization theory (MT), foregrounds social processes of interest definition and the acquisition of power resources in explaining worker action and inaction, offering conceptual bridges that could be used to better connect parallel streams that have developed within IR and LPA, where the study of resistance and misbehaviour at the point of production has shared a concern with the displacement of 'traditional' forms of conflict expression. These two streams are reviewed for their contributions towards understanding reconfiguration. It is shown how a "connectivity" gap (Thompson and Newsome 2004) between IR and LPA overlaps with the gaps identified with respect of grievance expression, in understanding how trajectories of discontent traverse the space between experience at the point of production and formal means of dispute and action.

The chapter closes with the argument that whilst MT moves in a fruitful direction, it is in need of some elaboration and refinement. Attempting to extend its concepts to a wider repertoire of action highlights limitations in its analytical armory. A critique of MT is presented that focuses on the conceptualisation of worker interests, level of analysis and relatedly, the under-specification of changing sites and content of worker struggles, laying the groundwork for the following chapter's discussion of how we more precisely examine continuity and change in the character, as well as form of contemporary worker opposition. Attending to specific discontents rather than fundamental interests, can facilitate connectivity between perspectives on worker opposition, and better demonstrate how changing expressions reflect different means to similar ends (Edwards 1986), deciphering the implications of 'method displacement'. The precise bases of conflict and their evolution is the focus of chapter three. LPA remind IR scholarship that whilst the institutional apparatus of workplace regulation and conflict expressions have shifted, so too has the nature of work, meaning that the precise aspects of work which workers find egregious have also subtly evolved. Chapter three more firmly specifies the relations between the changing nature of work (the concrete sources of discontent) with formulations raised in disputes helping us understand why over the last couple of decades 'bullying' has become such a prominent category of grievance expression, acting as the "solar collector' of resentments" (McCarthey and Mayhew 2004: xv).

2.1   *Conflict in the Employment Relationship and its Expression*

The introductory chapter pointed to current policy controversies relating to dispute resolution that have focused on individual disputes at the expense of the broader reconfiguration of conflict over the last four decades. Before attending to explanation of this shift in greater depth, it is necessary to set up some basic propositions about the nature of the employment relationship.

Conflict underpinning oppositional expressions such as grievances "constitute a natural empirical tendency in capitalist economies" (Goddard 1993: 291) because of the nature of the employment relationship as one of "structured antagonism" between workers and management (Edwards 1986). This relationship is above all an *economic exchange* in which employers make an uncertain purchase of *labour power*. This presents a *control imperative*

such that employers seek to ensure that they secure a profit from workers' endeavours (Thompson 1990). Conflict can be defined in relation to discontent arising from a perceived clash of interests of this nature. Thus:

"[W]ork relations (within capitalism) are an inevitable source of dispute. The interests of employees are in large measure opposed to those of employers: hence both parties seek to wield power and mobilise resources in order to ensure the predominance of their own interests. The strategies they adopt inevitably clash, and conflict is the obvious outcome" (Hyman 1975: 186).

Whilst conflict is inevitable, the appearance, form and precise targets of opposition are highly contingent. Studies of workplace conflict have mostly been concerned with the most visible and dramatic manifestation, the strike. Yet conflict is a fluid phenomenon and finds many expressions, of which raising a grievance is but one. The forms conflict may take are practically as "unlimited as the ingenuity of man" (Kerr 1954: 171) and thus its students should attend to the "total range of behaviour and attitudes that express opposition and divergent orientations" between managers and managed, including the "less-spectacular manifestations" (Kornhauser et al 1964: 12-13).

Though notoriously problematic, categorisations of forms of conflict nevertheless provide useful heuristics for considering the variation they display. The most common schema, involves cross-cutting continuums of the degree to which conflict is collectively organised and the degree to which expressions are overt or more hidden (Scott et al 1963). The organised/unorganised distinction is, as Hyman has put it of "great analytical importance (though occasionally difficult to draw in practice)" (1972: 53). At its most basic, a grievance can be termed an overt or manifest dispute. As with other manifest disputes, some ordered aspect of discontent is expressed (c.f. Hyman 1972, 1975). Ostensibly, grievances are an individual form- they are *raised* by individuals, but this belies the complexity of their social organisation. An individual might be emboldened to raise a grievance by a colleague who tells them that their cause is just, on the basis of shared discontent with a particular management policy or action.

The term 'collective' tends to be equated with unionised activities. Workers collectivise in order to overcome their vulnerability as individuals, and trade unions act to counter the most oppressive consequences of managerial priorities through creating social power

(Hyman 1975: 192). In the past, formal collective action, typically through the strike and its threat, "has represented the essential method of leverage on management" (Drinkwater and Ingram 2005: 2). However, shopfloor sabotage may involve extensive coordination between many workers. Ultimately, the justification for an "all-embracing definition" of conflict is that "diverse types of action often appear to reflect similar causes, or to represent alternatives to similar grievances and deprivations" (Hyman 1975: 187). The task pursued in this thesis is to examine what is expressed in grievances in different circumstances and what this tells us about the nature of conflict and its organisation in the contemporary workplace. What pushes or pulls conflict in this direction and packages it in particular formulations, emanating from the fundamental antagonisms outlined above? In particular how has union decline impacted the nature of grievance expressions?

Figure 2: Classifications of Forms of Conflict [3]
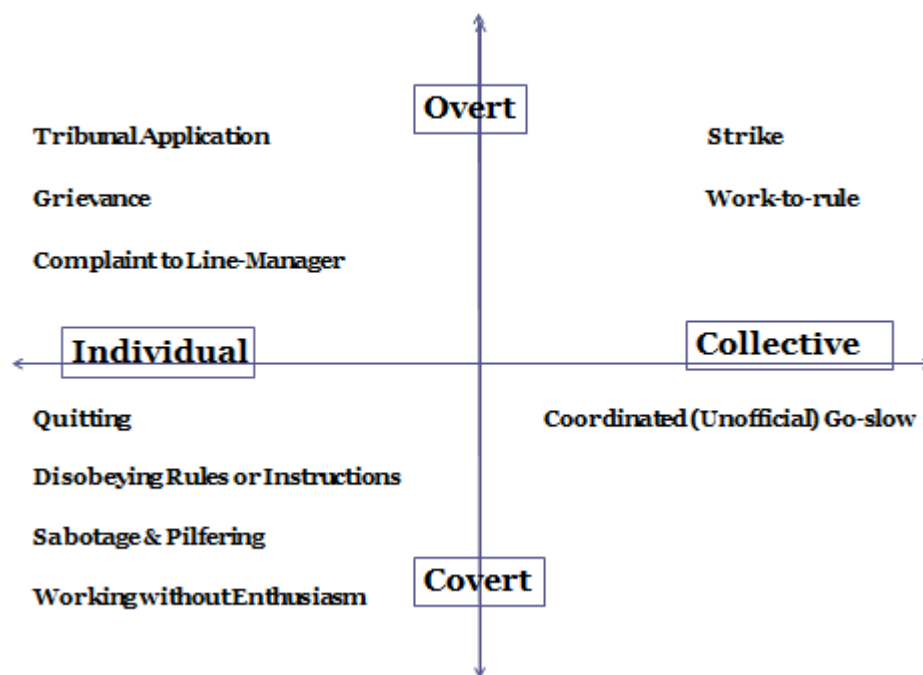
Conflict in the workplace is studied from a number of different perspectives which tend to emphasise different features and forms. Such heterogeneity can make it difficult to appreciate the interrelations. Though it is taken as a "truism" that conflict may take many forms (Edwards 1986: 17), grievance expression has appeared as something 'discrete',

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[3] drawing on Wiley (2003:550).

personal and therefore, of relatively trivial significance within the broader workplace setting. Grievance as a phenomenon appears to have fallen between IR's concern with *collective* institutions regulating work, and LPA's concern with the *sub-institutional* level. The meaning and gestation of grievances, in contrast to either collective combination, or ingenious forms of 'subterranean' (Taylor and Bain 2003a) resistance and misbehaviour is taken to be relatively self-evident. Grievances (like strikes), make their 'causes' explicit, they communicate to management *a* cause (a category or jurisdiction) under which a claim is made. In strikes, it is well appreciated that the focal issue (most often pay) is usually a proxy for a range of latent issues (Hyman 1972), but it is less well appreciated that individual procedures also limit what is expressed in them and the formulation of grievances is a complex social process. Individuals rarely make the decision or fix a precise definition of their problem on their own. Lacking the drama and visibility of strike fomentation, grievances as an expression (to borrow an advertising slogan) apparently 'does what it says on the tin'. Grievances are 'about' whatever category is named in dispute. However, viewing grievances in this way is to give them a "misplaced concreteness" (Fortardo 1992: 301) underplaying the malleability of discontent and trajectories of expression. People frequently formulate and reformulate their complaints and explanations around them before formally presenting grievances (Salipante and Bouwen 1992).

A further limitation in classifications of conflict is that of fixation with form, where the means of expression becomes a short-hand for a bundle of assumed properties. Absenteeism or vandalism for example, are frequently lumped into a set of resistive practices, but may reflect boredom as much as oppositional sentiment, and may vary in degrees of strategic direction (Edwards 1986). Similarly, grievances do not have a universal character, but as will be shown, may be more or less broad in terms of what they capture, and more or less fundamental to the employment relationship. Thus we should be wary of imputing meaning from de-contextualised trends of rising and falling indices of conflict. Whilst there is widespread recognition that increasingly conflict at work is manifested in individual rather than collective disputes (van Wanrooy et al 2013: 152), in respect of grievances, these can range from 'gentle questioning' of management where relations are fair, or become "battlegrounds" where relations are poor (Hebdon and Noh 2013: 33). In understanding the meaning of configurations of conflict in a setting, we must consider the pattern of control in a particular *workplace regime* and how they differ in different regime

types (Edwards 1986, Edwards and Scullion 1982, Bélanger and Edwards 2013: 10), referring to the organisation of a workplace and the 'frontier of control' between management and workers (Goodrich 1920).

The fluidity of conflict, the multifarious manner in which it may be expressed, and the recognition that forms are to a degree interchangeable has led to attempts to theorise whether particular forms of conflict are complements or substitutes. There have been many studies into whether for example, absenteeism represents a substitute for striking (Sapsford and Turnbull 1994). This has been a rather blind alley, as forms can be either complements *or* substitutes in particular circumstances, often following cyclical bargaining rounds and labour and product market circumstances (Bacharach and Bamberger 2004). That said, the large-scale and long-term shift from collective to individual disputes that has occurred in the UK (and to varying degrees in other advanced liberal democracies, cf. Jefferys 2011) over the last four decades suggests relationships between the forms that have been driven by similar mechanisms. As will be discussed, forceful suppression of one form is likely to see it substituted by another (Hyman 1972: 55). Before considering the changing nature of disputes, the next section considers the institutionalisation of conflict, and the character of grievance expression under collective bargaining at its height in order to consider how it might differ under a different sort of workplace regime, particularly, the implications for grievance expression of declining unionisation.

2.3 The institutionalisation of conflict: Collective Bargaining and Grievance Expression

For the best part of the post-war period, collective bargaining dominated the regulation of the workplace and grievance procedures tended to act as an adjunct to it. Whilst collective bargaining in the private sector is now increasingly marginalised, grievance procedures remain a stable feature of workplace relations and examining grievance expressions offers a window into processes of de-collectivisation. It is likely that what is channelled through grievances in absence of collective apparatus for interest expression has changed significantly. The few observers of workplace relations in the post-war period that mention grievance expression have treated it as part of the total collective bargaining process (c.f. Kennedy 1977, Kuhn 1961), defined in relation to the on-going interpretation or application

of collective agreements between management and workers (Bemmels and Foley 1996: 369).

The inherent vulnerability of individual workers makes the *collective* relationship between workers and employers the most significant aspect of IR (Hyman 1975: 23), yet unions have always represented members' interests individually as well as collectively. Indeed, procedures to handle individuals' grievances were often instituted at the behest of unions (Clark et al 1990: 149) in order to preserve collective bargaining. As the "managers of discontent" (Mills 1940), trade unions mobilise discontent but may also temper it, ensuring it is expressed within limits. In short, unions are central to the 'institutionalisation' of discontent (Hyman 1972). For the most part, unions exist to mobilise discontent towards collective expressions and solutions, but there are a number of collective implications of grievance expression. Three main 'collective' functions can be discerned: Firstly, and most simply, workers cannot continually strike, and collective strength should be "applied judiciously and not squandered in piecemeal disputes" (Hyman 1975: 169); "the battle must be joined only at specific times and over broad issues" (Lens 1948: 720). Using grievances "[t]he union is not called on to marshal all of its forces and all of its power," thus, grievance expression may act as a "union protective device" (Dubin 1958: 320). Secondly, the negotiation of collective agreements leaves ambiguities requiring adjustment. Matters of 'interpretation' of agreed rules, policies or entitlements can be 'ironed out' through the grievance procedure (*ibid*). Here, grievances function as a form of on-going administration of, and 'tinkering' with the collective agreement (Kennedy 1977). Grievance outcomes can act as a body of 'organisational case law' (Pilbeam and Corbridge 2002, Hook et al 1996: 22), creating or clarifying rules which engender a collective interest. Thus, grievances can be concerned with rule making, and hence governance of the workplace. Thirdly, in the opposite direction, grievance activity may inform collective bargaining: "The grievance procedure offers an opportunity for a realignment of forces, for fencing and minor skirmishing, for the strengthening of positions" (Lens 1948: 712). Grievances may demonstrate the breadth of discontent among workers, test the resolve of management on an issue, set precedents, or experiment with the effectiveness of particular legitimising principles (Armstrong et al 1981: 52 on the latter point). Here, grievances are part of "intra-organisational bargaining" (Walton and McKersie 1965); filtering, sorting and directing certain issues towards grievances may preserve the coherence of unified claims, overcoming difficulties in aggregation by delegating concerns that appear difficult to

integrate (Offe and Wiesenthal 1985: 188[4]). Collective bargaining and collective agreements obtained through it make the borderline of control between management and workers more explicit (though constantly shifting) (Goodrich 1920: 56) and grievances referential to them.

Within such regimes, union representatives have considerable input into the trajectory that a members' problem may take. Initially, members "think union" (Batstone 1988: 243) when they have a problem and grievance expressions are "not ordinarily the independent act of the rank-and-file employee. Rather, the union steward operates as a mediator in the process between the employee and the organisation" (Dalton and Todor 1982: 158), shaping the way grievances are formulated as well as the case conducted. Effective support for individuals is a significant 'yardstick' of a union's effectiveness (Holley et al 2001) and collective support for individual problems is the key reason people join unions (Waddington and Whitson 1997). Representation in grievance procedures lets members see the union "'in action' in a way that few services are seen," and the matters at stake "are almost always perceived, at least by grievants, as extremely relevant. This is often not the case with union policy or bargaining concerns of greater scope" (Clark et al 1990: 149). Ultimately, the demand for union representation of grievances and the effectiveness of it depends on the existence of strong collective organisation (Williams 1997: 508). The right to express grievances in the absence of collective organisation where management is judge, jury, and executioner, is likely to be hollow (Dickens 2002), and workers in non-unionised workplaces appear to see little sense in raising grievances internally where they have few means of pressuring dismissive managements (c.f. Pollert and Charlwood 2009). Furthermore, in terms of a hierarchy of issues, collective provisions "must be basically advanced to deal satisfactorily with the individual nuances and peculiarities" that might arise in grievance expressions (Barkin 1943: 9).

Collective organisation in these accounts defines the character of grievance expressions in relation to collective projects (whether building, refining or extending collective gains), sorting the issues to be handled through each avenue. This relation has some obvious conditions which appear increasingly rare in the contemporary workplace- formal organisation sufficient to provide a reasonable level of bargaining power and recognition

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[4] The point as made by Offe and Wisenthal (1985) is in reference to 'delegating' issues to Leftist political parties rather than to alternative means of workplace expression.

for the purposes of collective bargaining that is deep in scope and broad in range. From this basis, 'the union' is party to the majority of members' discontents before formal expression, allowing them to frame individual complaints as well as articulating collective campaigns. It thus assumes the 'institutional centrality' (Batstone et al 1977: 129) of the union to its membership, facilitating unions' role as "managers of discontent" (Mills 1958), consolidating potential for the 'mobilization of bias' (Lukes 1974), and allowing them the initial opportunity to formulate discontent. The effective steward could "spot the issues which give him an opportunity to bargain, and heard problems before they became formally filed grievances" (Batstone et al 1976: 24). Batstone et al's (1974) observational case-study of shop-floor relations illuminates how different types of steward operate in defining and articulating grievances.

That we have seen the continued erosion of regulation via trade unions, collective bargaining and strikes, outside of the public sector is frequently taken as *the end* of conflict at work. Yet, as Edwards (1992) has argued, despite the claims of a realisation in contemporary workplace of 'mutual interests' between management and workers, the impact of managerial proclamations and practices often designated as 'HRM' has been to reorganise rather than dissolve the bases of conflict. Workers have found other avenues of conflict expression. IR and LPA have explored different types of expression that have remained or proliferated as collective disputes have declined. The following takes each of these perspectives in turn. Firstly, we turn to IR and explaining the changing pattern of disputes. There has been some attention to individual disputes as this has become a more prevalent indicator of conflict, but the process by which disputes are formulated individually remains fairly opaque. Grievance expressions are an unexplored window into employment relations and how work is experienced in the contemporary workplace. An analytical strategy is presented to better decipher method displacement. It is argued that the important element of reconfiguration is not the rise in the number of grievances raised *per se*, but their changing character, and detachment from collective projects. To consider grievances as 'displaced' expressions, there is a requirement to document and explore their formulations as 'dis-aggregated' claims, what such expressions capture of discontent within workplace settings, tensions that remain unresolved and how this varies in different workplace regimes. Such analysis must outline collectively experienced features of work, and the extent to which expressions (e.g. grievances) capture individualised aspects, as 'collective issues writ small' (Bacon and Storey 1996), a concern more fully realised by LPA.

2.4 The Decline of 'Collectivism', De-Collectivisation and Method Displacement

Despite overblown foreboding of new Winters, Springs and Summers of discontent rivalling those of the late 1970s (cf. Phillips 2010), strike figures, on whichever measure we take, have fluctuated at the lowest level since records began, after a long period of decline (Drinkwater and Ingram 2005). During 2012, 248,800 working days were lost to strike action, compared with almost 30 million in 1979 (ONS 2013). The strike now appears as a largely public sector phenomenon (Dix et al 2009) where recognition has been fairly resilient (falling from 94% to 87% of workplaces). In the private sector, albeit from a lower base, recognition has more than halved (50% to 22% of workplaces) (Brown et al 2009: 24). Here, Britain has seen the gradual erosion of a system of workplace regulation based upon collective bargaining and union representation (Heery et al 2004). The latest WERS survey suggests stabilisation of employee representation, but still at a historically low level (Forth 2013).

Even where unions are recognised, their power may be severely diminished. Between 1980 and 2004, the number of issues subject to negotiation fell precipitously; increasingly recognition equates to consultation rather than negotiation (Brown and Nash 2008) meaning that many recognised workplaces are 'hollow shells', lacking significant worker influence (Millward et al 2000: 179-83). The capacity of unions to bargain presupposes the organisation can feasibly deliver the collective withdrawal of labour, yet collective bargaining cannot take place unless both sides are 'free', when occasioned, to fully express their power (Keenoy 1985: 128). The percentage of shop stewards reporting any involvement in collective disputes declined from 29% in 1980, to 18% in 2004 (Charlwood and Forth 2009: 89). Consequently debates have centred around how seriously the power base of the union movement been eroded since the 1970s and what the future of worker representation will look like (Blyton and Turnbull 2004: 137, Heery et al 2004). There is little evidence that non-unions forms of employee representation are either being very widely used (Saundry et al 2014) or their being an effective alternative (Hyman 1997).

The causes of declining union membership and strikes are complex, involving a number of conjunctural factors relating to intensifying market competition, the structural composition of the workforce and the responses of the state, employers and trade unions. Some attempts at synthesising these multiple factors into coherent explanations have been more persuasive than others. Early treatment of this trend involved pessimistic 'paradigm-break'

explanations of various sorts, most prominently of a secular shift towards societal individualism (e.g. Brown 1990, Bassett and Cave 1993). However, such perspectives tend to be light on evidence and present a "mythologised vision of the past: a golden age when workers were spontaneously collectivist, and labour organisations joined ranks behind a unifying class project" (Hyman 1992: 159). The other major type of explanation offered is a unitarist argument that conflict itself is out-dated is likely soon to be eradicated. Here, rather than the 'good old days' of spontaneous solidarity, we are emerging from the 'bad old days' of adversarialism, as tends to form the basis of 'HRMism', and to some degree policy in dispute resolution (e.g. Gibbons 2007). Neither is there convincing evidence of changing worker attitudes towards unionism nor a significant improvement in relations between management and workers. As Bélanger and Edwards argue:

"[I]t makes no sense to ask if conflict has disappeared for it necessarily underpins the organization of employment relationships. The more sensible question… is what strategies employers and workers use to manage the antagonism and why contestation takes particular forms in particular times and places" (2013: 8).

At least within academic IR, "the idea that conflict is an organizing principle and not just a form of behaviour has taken root; the negotiated nature of shopfloor order has begun to seem a commonplace," providing a "firmer basis from which to pursue the reorganisation of conflict which is taking place and in turn to contribute a key element in the analysis of workplace regimes more generally" (Edwards 1992: 394). Kelly's (1998) response to the paradigm-break type analyses above is important in its broad synthesis and theoretical clarity.

Kelly's *mobilization theory* (MT, *ibid*) highlights the *agency* of the state and employers, as well as failings of unions themselves, in explaining the decline of unions and the strike, rather than the amorphous shifts of societal preferences. He turns attention to social processes of worker mobilisation, emphasising the stability of conflicting interests in the employment relationship and the difficulties acquiring power resources to express them. In order to answer empirically and theoretically dubious claims of increasing societal individualism (Brown 1990, Bassett and Cave 1993), and to dispel the "false idea that unions must re-orientate themselves towards newly individual interests" (Kelly 1998: 1), Kelly sets out the conditions under which workers come to define their interests and act

collectively to express their mutual concerns. Crucially, there are different facets to 'collectivism' and they do not necessarily decline simultaneously. Drawing from social movement theorists (e.g. Tilly 1978, McAdam 1988, Gamson 1992), Kelly regards collectivism as having five main elements: interests, organisation, mobilisation, opportunity, and forms of action. The current period of diminishing collective *action* cannot be explained by increasing individualism, nor by growing worker-employer consensus. The basis of collective *interests* (oppositional to those of management, and unified by the need to overcome the vulnerability of individual) remain unaltered, but their expression has been suppressed. Despite failings in union organisation and mobilisation, curtailment by the state and employers have been key in frustrating opportunity to express interests collectively. Employers display an increasing preference to consult directly with employees rather than through unions with managers in 80% of workplaces expressing this preference in WERS 2011 (van Wanrooy et al 2013: 63).

From this vantage, union and strike decline are better understood as an active process of 'de-collectivisation', as opposed to some 'nebulous' shift towards individualism in society (Williams 1997). Smith and Morton (1993: 89) similarly emphasise the withdrawal of support of institutional apparatus. The state has intervened to "deny worker access to resources of collective power, thereby commensurately increasing employers' discretion to determine the terms of the employment relationship." Significant interventions include the withdrawal of immunities in taking collective action, greater regulation of intra-union affairs, the withdrawal of support for collective bargaining and the outlawing of the closed-shop (Dickens and Hall 2003: 127). The restriction of tort immunities and regulation of internal union government in particular, have presented serious difficulties for unions attempting to mobilise legal collective action. A number of high profile disputes (e.g. the conflict between British Airways and UNITE in 2010) have graphically illustrated the burden of the procedural requirements on unions, and the readiness of employers to seek (and the judiciary to grant) court injunctions against strike action on the basis of minor 'irregularities' in balloting procedures. This has massively impacted the ability and confidence of labour in asserting collective claims (Gall and McKay 1996), creating concern over the ability to take lawful strike action (see Gall 2010). A central proposition is that given the maintenance of collective interests, and evidence to suggest an increasing *sense of injustice, attributed* to management, and *willingness to act collectively* remain, there is potential for union renewal.

Kelly (1998) serves to remind IR of what it should already know; we cannot read-off a decline of collective interests, or the absence of perceptions of justice among workers from declining union memberships or strike figures (Gall 2008). A key contribution MT makes is to set this out in a clear framework capable of underpinning explanation of worker action *and inaction*, reviving a worthy tradition of research that centres the interrelations between structure and social consciousness as they emerge in justifications of workplace action (e.g. Armstrong et al 1981, Batstone et al 1978, Nichols and Armstrong 1976). MT centres such social processes of interest definition in a climate increasingly hostile to unionism and collective action, and particularly, in which unquestioned acceptance of collective bargaining has largely vanished (Brown et al 2009: 22). However, Kelly leaves gaps in our understanding of contemporary worker opposition, dealing with the strike and its absence. Propositions as to alternative trajectories of conflict expression, that may emerge such as resistance to the immediate manifestations of exploitation (c.f. Hyman 1972: 53) or as individual disputes, are much more ambiguous. In grappling with the relation of macro- to micro phenomena, MT works at quite a high level of abstraction. As Morrill et al (2003: 392) note of the growing attendance to social movement theories in general, "this theoretical innovation suffers from a narrow focus on open confrontations that overlooks a range of political action simmering beneath the surface of mass mobilizations and other movement like phenomena." The work of this thesis is to illuminate and bring to life one major neglected area, that of the grievance expression.

MT implies that just as the decline of collectivism cannot be viewed as the decline of collective interests, neither should the rise of individual forms signify increasing individualism. However, trajectories of expression other than collective disputes have been given very little consideration within the mobilization framework. Rather, growing individual disputes and requests for assistance from Citizens' Advice and ACAS are taken as evidence of the continued discontent among workers as collective disputes have declined and no longer signify an appropriate barometer of conflict at work. Yet, successive governments have focused on the supposed pull of individual rights, headline-grabbing financial pay-outs and the ease of access to the tribunal system for 'nuisance litigants'. This contrasts with those emphasising the push of de-collectivisation and withdrawal, or even *suppression* of collectivism. Kelly suggests collective interest expression lays dormant (c.f. Goddard 2011). Individual disputes and requests for help with problems at work are taken as evidence of continued worker discontent, but the organisation and formation of such

trajectories of expression, treated as alternative to collective disputes remains unexplored. It was noted earlier that forms of conflict may act as complements or substitutes for one another, depending on the configuration of interests and opportunities (Bélanger and Edwards 2013: 9-11). However, what is clear is that "attempts to suppress specific manifestations of conflict, *without removing the underlying causes of unrest*, [may] merely divert the conflict into other forms" (Hyman 1972:55 original emphasis). More particularly to the present period and phenomena of interest, Gall and Hebdon argue:

 "The relative, contemporary decline in strike activity is indicative of what we term 'method displacement', such that the inability to express grievances and discontents through strikes finds expression through alternative or covert means" (2008: 589)

Hence, "it is likely that the current period of 'labour quiescence' (Shalev 1992) refers only to a single method of collective mobilisation, namely the strike" (*ibid*: 602). This apparent reconfiguration of worker opposition remains understudied. Kelly refers to rising individual claims, alongside evidence of attitudes favourable to unions among the unorganised, as indirect evidence of the exercise of state and employer counter-mobilisation. Individual disputes are taken to justify a necessary counter-factual referent in the analysis of countervailing power (c.f Lukes 2006: 49-52): *but* for the counter-mobilisation of action (and weak attempts at organising by unions), claims of workplace abuse *would be* addressed collectively. This is an important prop to MT that is inadequately demonstrated by Kelly (1998) but also elsewhere. Attention to processes of formulation and framing worker interests has rarely been applied to forms other than the strike. Whilst, as Batstone et al (1977) note, such processes may be most apparent in strikes, claims expressed individually involve the definition of a given workplace situation as unjust (or at least open to question). Accordingly, we know remarkably little of the formation and meaning of 'displaced' methods of expression. Such analysis is required to bolster MT as a theoretical framework as well as develop theorisation of broader practices of worker opposition.

Elsewhere the notion of 'method displacement' frequently surfaces as an underlying consideration, but tends to be vaguely conceived and under-theorised. Whilst Kelly does not deal with forms of conflict beyond the strike, much of the research that focuses upon evolving forms of opposition might benefit from more careful engagement with the foci Kelly highlights regarding social processes of interest definition, grievance formulation and the contingent acquisition of collective resources of power. The next section reviews

existing research on 'displaced' forms of worker opposition, and gaps between the foci and levels of analysis in IR and LPA respectively. Grievance expression has not been the subject of IR's concern with dispute resolution via the tribunal system nor the subterranean sphere of labour process analysis but may be an interesting vantage point from which to draw together both of their concerns and the best of their insights towards a fuller appreciation of the reconfiguration of conflict.

2.5 IR on Rising Individual Disputes

The most obvious indicator of a phenomenon of 'method displacement' would be the large and fairly steady rise of claims to employment tribunal (ET) that has occurred over the last four decades at the same time as union membership and strikes have declined (Dix et al 2009: 176). Declining collective, and rising individual disputes appear as 'mirror-images' across a period spanning the 1980s to the present (Dix et al 2009: 187, see Graph 1, page 3 of this thesis). Thus, fairly direct linkages have been made between state and employer strategies of 'de-collectivisation' and the rise of individual claims. Debate is beginning to emerge over the extent to which we can consider collective and individual disputes as different means to similar ends, or rather as parallel developments relating to different, largely separate causes. A strong version of the displacement thesis emphasises union suppression as the key explanation in the rise of tribunal claims, *pushing* conflict in this direction, whilst downplaying the "subsidiary" contributions (Renton 2012: 100) of the *pull* of individual rights, the 'explosion' of jurisdictions through which claims may be brought and the extension of their coverage (Dickens 2000), as well as the shift in the nature of workplaces towards small, un-organised service sector ones (Cully et al 1999). A number of commentators (particularly those within policy circles), such as Gill Dix of ACAS, have made more cautious statements (c.f. Dix 2012), attempting to go beyond the casual comparisons of ET applications and strikes, problematizing a mechanical trade-off between collective and individual disputes (Dix et al 2009), whilst still maintaining that at root, rising ET applications have more to do with what has occurred outside the tribunal system than within it (Renton 2012).

Successive government's reviews of the 'problems' with individual dispute resolution have made little reference to collectivism and broader aspects of dispute resolution, focusing on

assumptions about the behaviour of individual applicants and the nature of their claims, seizing upon the costs of the system and the apparent 'burdens' it places on employers. Policy for more than a decade has centred upon attempts to curb an apparent pandemic of 'weak and vexatious' claims by 'nuisance litigants' seeking their 'day in court' but has rarely been based on any evidence to support its central assumptions (Busby et al 2013, Saundry et al 2014). The absence of consideration of the workplace relations from which tribunal claims originate is particularly notable. Before considering the growth of individual disputes in greater depth, it is worth reviewing the origins of the tribunal system and its effects on the institutionalisation of conflict, explaining that whilst individual dispute resolution has been divorced from workplace bargaining, the effect of this on workplace relations has not been acknowledged by policy-makers.

2.6 Reshaping the Institutions of IR: Collective Bargaining to Individual Rights to… ?

The growth and formalisation of procedures of conflict resolution and the extension of the jurisdictions of the 'Industrial Tribunals Service' (ITS, now employment tribunal service, 'ETS') were recommended by the Donovan Commission, during an era of industrial strife characteristic of the 1960s and 1970s (Bott 2003: 328). There was an expectation that greater effective use of formal procedures would stabilise employee relations (Marchington and Wilkinson 2006: 297). In particular, the Commission aimed to reduce unofficial strikes at a time in which dismissals (especially those of shop-stewards) accounted for around an $1/8^{th}$ of all unofficial strikes (Renton 2012: 30). Industrial tribunals were created in 1964 to hear employer appeals to training levies (Shackleton 2002: 21). The system as we know it began when unfair dismissal was introduced to tribunals' jurisdiction in 1971, which remains the main type of case four decades on (Renton 2012: 35). The types of claims that could be brought were gradually extended, e.g. with health and safety and sex and race discrimination duties in the 1970s, disability discrimination in 1995 and the protection of part-time workers in 2000. (c.f. Shackleton 2002: 22).

The ITS was embedded shortly before the Conservative governments of the 1970s and 1980s brought in a raft of anti-union legislation that marked a turning point in industrial relations, ushering in an era of de-collectivisation (Smith and Morton 1993, 2001). Thatcher's government made much of asserting *individual* rather than *collective* rights,

freeing workers from what they viewed as 'undemocratic' union practices such as closed-shop arrangements. However, whilst anti-unionism was an explicit aim, it seems that the scale of the 'rising tide' of individual disputes that now apparently stretch the capacities of the ETS was wholly unanticipated. Shackleton (2002: 45) argues that the simultaneous withdrawal of collective rights and promotion of individual drove the rise of ET claims:

"The subduing of unions has been seen by admirers of the Thatcher governments as one of their greatest achievements, the fulfilment of a desire going back many years. But folklore tells us to be careful what we wish for: those who get their wishes granted often find they have got something they did not quite bargain for. The new focus on individual rights manifested in a growth of tribunal applications is the flipside of the decline of union power."

Anticipated or not, by the late 1990s the growth of individual disputes was becoming apparent (c.f. DTI 2001). In response, New Labour's governments of 1997- 2010 sought to encourage the resolution of individual disputes within the workplace and strengthen obstacles to pursuing claims, at the same time as remoulding the role of organised labour towards that of a docile, compliant 'partner' to employers (c.f. Smith and Morton 2001). Until recently, such interventions had done little to suppress claims. However, the most recent reforms have put in placed extreme barriers to applications, and the early figures indicate a dramatic reduction. There have been three major attempts to 'reform' the ETS in the last fifteen years (Renton 2012), which aimed to reduce both the number of claims and the costs of running the system, and most recently under the Coalition Government, to free employers from fear of being taken to tribunal in order to promote employment and ultimately boost the economy (BiS 2011, Beecroft 2012).

The various initiatives have shared the assumption that the 'problem' of rising claims relates to a minority of 'unscrupulous' individuals, rather than the curtailment of collective rights (Dickens 2002: 633) and the resultant loss of internal resolution workplace collectivism may facilitate. Thus the driver of rising claims was an overly generous individual rights regime rather than method displacement lead by the suppression of collectivism. These are briefly critiqued below in order to illustrate how the leaking of conflict into the ETS has been an inevitable accompaniment to the erosion of trade unionism.

2.7 Reform of the Tribunal System: Holding Back the 'Rising Tide'?

Whilst the scale of tribunal applications has caused moral panic in the right-wing press and business circles (c.f. *MailOnline 2011)*, governments' attempts to reduce them have underestimated the level of discontent within workplaces and overestimated the will and capacity of managements to provide fair and informal resolution of grievances. The representation gap (Towers 1997) found in non-union workplaces also presents a conflict "resolution gap" (Saundry 2013), which has come to be reflected in tribunal claims. This section outlines the development of government policy on individual dispute resolution and how it has portrayed the nature of workplace conflict and employment relations.

The first major attempt at reform of the ETS came in the form of the Employment Relations Act 2002, which made workplace grievance and disciplinary procedures mandatory and gave ETs the power to impose penalties on parties for failing to follow their steps. The supposition was that underlying tribunal claims were misunderstandings and lack of communication between workers and management and that if proper steps were followed, disputes would be resolved internally, without recourse to tribunal. Tribunal claims had not been sufficiently articulated in workplaces, often because employees desiring their 'day in court' did not try to resolve grievances, or their unscrupulous representatives pushed claims. However, simply because procedures are not exhausted in a significant number of cases does not unambiguously point to the frivolity of those claims nor a disinclination to seek recourse *within* the workplace; rather it may imply that there should be limited confidence in employers' procedures, their implementation, and conduct within them (Colling 2004: 572). Putting a great deal of faith in managements to deal fairly with workers' complaints, these regulations were opposed by ACAS and many trade unions, and ultimately failed to halt rising applications (Renton 2012: 131).

They were repealed by the second major attempt at reform, culminating in the Employment Act 2008, which cited the mandatory procedure as making employment relations overly formal and hardening parties' positions from an early stage. Renton suggests that the lasting impact of this policy flip-flop was to juridify employment relations by bringing employment lawyers in, as claimants increasingly sought legal advice (even during the early phases of grievance-filing in the workplace) in how to present the essential matters of the case in preparation for a potential tribunal application (2012: 135).

Gibbons' review of the 2002 reforms also made much of the lack of merit of most applications going to tribunal. Thus he noted that "businesses frequently complain of weak and vexatious claims being allowed through the system" (2007: 9). Yet, there was (and remains) little if any evidence of large numbers of 'nuisance litigants'. 'Vexatious' cases, where an applicant has rejected professional advice to withdraw a claim, are very rare, at around 4% of cases (DTI 2002: 28). Tribunals *are* adversarial, and employers are hardly likely to welcome claims, therefore 'weak and vexatious' and 'speculative' appear to be code for 'opposed' by employers. Tribunals already had considerable powers to award costs against claimants who brought malicious or fabricated claims, and such penalties are only awarded in around 1 % of cases, and of those, two thirds of awards are against respondents (Morris 2012: 17, ETS 2003: 32). Furthermore, tribunals can reduce any awards if the claimant has for example been found to have contributed in some way to a dismissal found to be unfair[5]. The ETS report that cases where individuals insist on pursuing a claim against legal advice are extremely rare. Furthermore, of claims that go to full hearing (i.e. after proceeding through the screening mechanisms of the ETS), only 9% were unsuccessful in 2009-10 (MoJ 2011: 8). There is thus scant evidence that 'litigious' individuals are flooding tribunals with ill-founded cases.

Rather than a barrage of vexatious claims from belligerent claimants, the evidence suggests that the majority of problems encountered at work do not enter the tribunal system but lead to informal attempts to resolve them within the workplace or exit (Pollert and Charlwood 2009). Birkitt (2001) estimates that only 18% of potential claims are actually pursued. Caseborne et al (2006) find that only 24% of those who experienced a problem at work put it in writing to their employer, whilst only 3% made an application to tribunal. The Citizens Advice Bureaux, who dealt with approximately 400, 000 employment queries in England and Wales in 2013-14 (www.citizensadvice.org.uk), has warned that "far from being too many [tribunal] claims, it is clear that too few workers are able to enforce their workplace rights through the tribunal system" (Colling 2004: 590). Those most in need of protection, underrepresented and on the peripheries of employing organisations, are the least likely to use the ETS, unaware of their rights and how to enforce them (Meagre et al 2002). Attempts to curb rise of tribunal claims have overestimated the capacity for

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[5] Where for example an employee was dismissed for some kind of misdemeanour but the employer did not conduct the investigation fairly or provide opportunity for an appeal- the dismissal would be procedurally unfair but dismissal would have been the likely outcome if fair procedures *had* been followed.

grievances to be resolved in the workplace, and misjudged the motives and behaviour of those who raise claim and had little impact on the numbers applying. This did little to halt the idea that the ETS was 'broken' and in need of radical reform (Renton 2012: 135) as ET figures peaked in 2009/2010 at 200,000 claims (van Wanrooy et al 2013: 149).

The third, and very recent set of reforms has however had a dramatic impact. In January 2011, the Coalition Government began a formal consultation with 13 key pieces of reform[6] proposed that were enacted shortly before the time of writing (the Enterprise and Regulatory Reform Act 2013). The most significant of these were the imposition of fees to go to tribunal[7], and an extension of the qualifying period to claim unfair dismissal from one to two years. The latter is likely to disadvantage the 1/8th of workers who have more than one, but less than two years' service, who employers can now dismiss with impunity (Renton 2012: 138). It is noteworthy that when tribunals established the jurisdiction for unfair dismissal, the qualifying period was just six months. The last time the qualifying period was changed in 1999 from two years to one, there was slightly slower growth in the number of tribunal applications in the following ten years than there had been in the preceding decade, suggesting that "the processes driving the increasing use of litigation by workers go deeper than this tweaking of the rules" (*ibid*: 138). However, fees seem likely to have an even more dramatic impact, raising concerns over a "punitive tax on vulnerable workers" (*ibid*) which is currently facing a judicial review with regard to its contravention of European social provisions[8]. At the time of writing the latest evidence suggests a 76% reduction in claims between October 2012 and 2013, following the imposition of fees in 2013 (MoJ 2014).

Reforms have been based upon questionable assumptions about the causes of rising individual disputes, in particular that individual rights were overly generous and claims of injustice thin. In absence of any solid evidence, it appears that the reforms are purely ideological (Busby et al 2013), strengthening managerial prerogative to 'fire at will'. Proponents of radical reform of the ETS have pathologised claimants and the very idea of a conflict of interest inherent in employment relationships. Shackleton, advocating that lay-panel members who were drawn from employee and employer sides be dropped in favour

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[6] In addition to reduced rights in respect of collective redundancy.

[7] £1250 for unfair dismissal and other complex cases, and £350 for simpler claims such as unpaid wages.

[8] The trade union UNISON have requested that the judiciary review whether fees prevent individuals from accessing rights if they are prevented from access to justice when these rights are contravened. At the time of writing, UNISON had lost their first appeal. http://www.ier.org.uk/news/unison-will-appeal-high-court-ruling

of single judges sitting alone, presses the need "to accept that the notion of a tribunal with representatives from 'both sides of industry' is a 1960s leftover which is as out of date as kaftans and love beads and which should be replaced by a more streamlined system" (2002: 114). The focus on the actions of individuals and attempts to redirect dispute resolution back into workplaces supposes that there is a capacity to resolve conflicts there without recourse to litigation. Yet, there is a "resolution gap" (Saundry 2013) in the workplace that mirrors the "representation gap" (Towers 1997) impacting the more than two thirds of workers not covered by collective bargaining.

Until recently, it looked like "the only process that could achieve a lasting reduction [of ET applications]... would be for workers themselves to take their grievances back out of the legal sphere, and to raise them directly as collective protests at work" (Renton 2012: 101). However, the imposition of fees for applying and having cases heard is likely to suppress claims by limiting access to justice. If the current judicial review of fees is unsuccessful, it looks likely that the tribunal system as an avenue of conflict expression will be effectively closed off to those who cannot pay. This is an important juncture in which there is a dearth of research examining the nature of workplace dispute resolution, meaning a lack of understanding of how conflict is formulated towards alternative trajectories.

2.8 Analytical critique: Strong and Weak Versions of Method Displacement

The crucial point in studying changing forms of conflict is understanding the extent to which "differing forms of protest reflect different means to similar ends" (Edwards 1986: 9). Do individual disputes "represent a new manifestation of the same conflict, previously voiced through collective action"? (Dix et al 2009: 187). It is notable that a large proportion of ET claims are accounted for by 'multiple claims' where the case being heard involves more than one claimant, usually against the same employer. Many of these are brought by trade unions, and in recent years a high proportion have involved equal pay claims in the public sector[9].

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[9] Here the notion of method displacement becomes complicated as many of these claims relate to equal pay disputes with female union members feeling that their unions have in the recent past protected male interests in a way that was discriminatory. Issues of trade union identities, solidarity, representativeness and the problem of aggregation will be returned to in the next chapter.

The rise of ET applications fairly closely maps the decline of collective bargaining coverage. There are two main ways in which union decline is posited as related to rising ET claims. Firstly, unionisation may ensure a baseline of fair treatment in the workplace and therefore, in the non-union workplace, there is more to complain about. Union decline has been associated with higher disciplinary sanctions and dismissals (Antcliff and Saundry 2009, Knights and Latrielle 2000). Secondly, unions are seen to be better at resolving and 'containing' discontents that do arise at workplace level, without recourse to litigation (Burgess et al 2000, Urwin et al 2007) and preventing the victimisation of individual grievants. As Dickens and Hall summarise:

"The rate of claims from firms with 25 employees or more had been increasing at approximately the same rate as the increase of such firms with no union recognition agreement. The obvious inference is that workplace employee representation arrangements encourage internal solutions to individual employment rights disputes." (2003: 150).

WERS 2004 provided continuing evidence of the relationship between the number of claims and the type of voice arrangement. Workplaces with union representation had on average 1.3 claims per 1000 employees in the 12 months preceding the survey, workplaces with mixed union and non-union arrangements had 2.1, those with non-union representative bodies had 2.7, and workplaces with no voice arrangements whatsoever had 2.9 (Dix et al 2009: 196). The clear implication of these associations is that non-union workplaces are less effective in resolving disputes internally. This union effect is also evidenced through the lower rate of disciplinary sanctions and dismissals in unionised workplaces as above, and the perception among workers that unions are able to temper managerial treatment of workers (Millward et al 2000: 135).

Unfortunately, there are few qualitative studies looking at grievance expression and resolution *within the workplace*, an area in which the policy discourse is particularly silent. What we do know is that workers in unionised workplaces raise grievances with more frequency, but less often do they end in ET applications. Grievances are reported more frequently in workplaces with union voice arrangements than those with no voice arrangements (45% and 31% of such workplaces had a grievance in the year previously) but only 5% of unionised workplaces faced an ET claim, whereas 10% of workplaces with no voice arrangements had (Dix et al 2009: 187). It is likely that unions raise critical

engagement with management, but also protect grievants from victimisation, raising expectations that grievances will be handled fairly and may manage member expectations about the tribunal process, preventing disputes from escalating where other solutions can be reached (Williams 1997, Antcliff and Saundry 2009). However, the research in this area is limited.

What then can we surmise about the drivers and consequences of 'method displacement' from available evidence? Dix et al (2009) reflect a more cautious affirmation of the displacement thesis than Gall and Hebdon (2008). The former authors stress that individual disputes are very different from collective ones. For most applicants, the tribunal system is a last resort, providing limited resolution and thus if it is seen as a replacement form of conflict, it is an ineffectual one. Tribunal claims are most often made outside of a continuing employment relationship, and the available remedies are weak (Dix et al 2009: 187). 76% of claimants leave employment before applying to tribunal, and a further 17% end employment after submitting (Gibbons 2007: 13). Only a few per cent are reinstated to their jobs or reengaged in any year. 'Success' at tribunal means a 'lost remedy', demanding financial compensation from employers rather than preventative measures discouraging exploitation (Dickens 2000, Dickens and Hall 2003: 136). Employment rights and the threat of litigation do not prevent workplace conflicts and because of the difficulties for claimants pursuing a case, it is likely that their threat is only a weak deterrent to employers. Where successful, claimants may be awarded financial reparations but the tribunal cannot enforce an employee's request for reinstatement into a job they have been unfairly dismissed from or demand an employer reengage them in another role. Indeed, Renton (2012) is convinced that not giving tribunals jurisdiction to demand reengagement was a missed opportunity that has contributed to the image of the 'compensation culture' that now surrounds them. A high proportion of employers avoid ever paying-out, so that less than half of successful claimants ever receive their full awards, resulting in rather "hollow victories" (CAB 2013). It is perhaps unsurprising then that unions have not devoted too much of their resources toward representing members through tribunals. The deliberations of tribunals:

"have nothing to do with the decision as to whether or not a worker is victimised or made redundant. These issues are resolved by the balance of forces between trade unions and employers. Tribunals can only set a price on what is an accomplished fact and even then only within certain limits" (McIlroy 1983: 1).

Dix et al argue that these limitations makes it difficult to "perceive ET claims in the same framework as Batstone's take on strikes as a 'tactical extension' to organised opposition through which the frontier of control in a workplace is either changed or maintained" (2009: 187-8). Whilst making an important point about the weakness of recompense available via the ET system, arguably enforcing such a distinction is unhelpful in developing theoretical appreciation of how conflict has been reconfigured. Dix et al make much of the differences between claims made to ETs and those made in collective bargaining (e.g. underpayment and wage rises respectively). Implicitly, this characterises ET claims as 'disempowered' expressions of problems experienced. However, as indicative of method displacement, ambiguities have been raised concerning whether ET claims can be considered to express 'traditional' struggles. There is a difference between comparing forms of expression for their effectiveness and for their equivalence in what they express. There tends to be a sort of head-scratching about how to look at "individual actions whose connection with social conflicts is barely recognisable as first sight" (Dahrendorf 1968: 178) and what to make of them.

It is argued here that a framework in which to consider different forms of conflict is precisely what it needed in order to better decipher method displacement. Kelly (1998) has pressed upon IR to go beyond its traditional institutionalist bias, to consider social processes of interest definition in explaining collective action and inaction and such analysis could be fruitfully applied to alternative trajectories of conflict to explore reconfiguration. The following section considers the formulation of individual and collective disputes, in particular stressing that greater attendance to *what* is expressed as well as *how* is a helpful analytical step in considering the reconfiguration of conflict.

2.9 The formulation of Individual and Collective Disputes

The main obstacle to understanding the changing nature of conflict is the failure to look beyond the categories named in disputes and to analyse the dynamics underlying them. The selective articulation of discontent reflects the medium through which it is expressed to a considerable degree. As legal regulation of the workplace has evolved and declining collective and rising individual disputes have displayed 'mirror image' trends, certain types of claim such as dismissal and discrimination (which may in the past have caused strikes)

have entered the legal sphere, whilst others largely remain the preserve of collective bargaining, such as improvements in pay and working conditions (Renton 2012: 99). The tribunal system as we know it today began when unfair dismissal came under their remit and it has remained the most common case-type over several decades, in spite of the addition of many new rights, taking the range of jurisdictions under which a worker can bring a claim to over 60 (Dix et al 2009: 190). However, the introduction of new jurisdictions have only resulted in small and temporary spikes in numbers of claims around them (*ibid*: 185), suggesting that new rights do not have an inspirational effect (c.f. Colling 2009) at least not long term, and the likelihood that shifting levels of claims under particular jurisdictions are the labels rather than the "substance of the complaint" (Renton 2012: 39).

Whilst research into the formulation of grievances and tribunal claims has been fairly limited, there are a handful of important studies that demonstrate how people exhibit a remarkable capacity to shape their discontents into different forms and categories (Selekman 1945, Salipante and Aram 1984, Fortardo 1992, Bouwen and Salipante 1990, Salipante and Bouwen 1990). It has been long recognised that conflict can take many forms which are to a degree interchangeable (see Hyman 1972, 1975). In articulate forms such as grievances and official strikes where causes are stated, which aspects of discontent are expressed are not given but contingent. The process by which collective disputes come to formulate discontents into unifying demands to mobilise around are also fairly well documented, if less fashionable now (Karsh 1959, Hyman 1972, Batstone et al 1977, 1978). The implication is that the same objective problem could lead to an individual dispute or a collective one, but that in such alternative expressions, the same problem may be formulated differently. However, the changing formulations of discontent that have accompanied the displacement of forms of conflict over several decades are poorly understood.

In an intriguing study, Salipante and Aram have shown that grievances in the workplace which did not mention a discriminatory element frequently morphed into discrimination claims when referred to external arbitrators. They concluded that categories of dispute reflect "the nature of the forum more than the origin of the conflict" (1984: 15):

"[E]mployees [then] seek resolution in whatever forums are accessible and promising of favourable outcomes. Some conflict is expressed through the grievance system, some through attempts at unionization, some through discrimination charges. The point is not

that different types of conflict seek different forums. Rather the conflict seems to be of a general employer-employee nature and is then formulated in a manner allowing it to be expressed in a particular forum" (*ibid*: 13)

It makes sense to begin with processes of collective dispute formulation, as this reflects a wider and more embedded tradition of research that has rarely been transposed to similar processes in the formulation of individual disputes. As touched upon in the opening section on the nature of conflict, in the mobilization of discontent by unions, interests are partially re-defined in order to be expressed collectively (Offe and Wiesenthal 1985), undergoing a process of aggregating variegated discontents into unified claims (Hyman 1972). Individual disputes go through different packaging processes, but the two are likely to be closely related and sometimes intertwined.

2.10 Collective Interest Definition and the Aggregation of Variegated Discontents

In addressing how the expression of conflict has been reconfigured, the study heeds Kelly's (1998) call to attend to social processes of interest definition. However, a more fine-grained analysis is required than is offered by Kelly's mobilization framework. Kelly rightly points out that IR has found it "convenient if conceptually lazy to accept workers' interests as more or less coterminous with their bargaining demands" (1998: 6). Mobilization theory (MT) is explicitly Marxist, stressing the underlying antagonism between labour and capital deploying an abstracted version of interests in the employment relationship. This is important in stressing the different facets of collectivism, that illuminate why the absence of organised expressions does not augur the absence of collective interests. Yet, as Edwards has argued, whilst the Marxist frame of reference is the most accurate way of analysing the employment relationship, there is a tendency to "conflate a particular interest (not being exploited) with the whole set of interests that groups are likely to have. Yet, exploitation is a category at a fundamental, and not a concrete, level of analysis" (Edwards 1986: 90, see also 2003). For present purposes, understanding specific discontents and the processes of their formulation is of central importance.

Fundamental interests, "though structurally embedded, are always latent" (Marks and Thompson 2010: 325); they are not articulated as such, but inform the expression of particular antagonisms which are further re-shaped into workable formulations. This

conceptualisation makes it clearer why comparing categories of collective claims with those made individually (as has been skirted around in the research on ET claims) has led to confusion. Collective action is mobilised by *appeal* to fundamental definitions of interest, yet the purpose of collective action is to institute specific changes in workplace relations. Mobilisation around collective claims involves building coalitions around concrete issues, and workers act in relation to "felt pressures and not to the abstract nature of the mode of production" (Edwards 1990: 136). Restricting attention to this level blinds us to the details of the experience of work and the specific sites and aims of struggle:

"people experience deprivation and oppression within a concrete setting, not as the end product of large and abstract processes, and it is the concrete experience that moulds their discontent into specific grievances against specific targets. Workers experience the factory, the speeding rhythm of the assembly line, the foreman, the spies, the guards, the owner and the pay check. They do not experience monopoly capitalism." (Piven and Cloward 1977: 20)

This distinction should not however be taken too far for as noted above, and recognised by Kelly, in the course of mobilisation, seemingly disparate discontents are framed in relation to the same underlying source (e.g. the employer, or the state). Nevertheless, whilst employers *might* be "metaphorically blamed for capitalism" in moments of particularly militant struggle (Stewart et al 1980: 147-8), dualistic class images rarely have such a direct reach into day-to-day workplace relations, and for the most part: "At the workshop level, 'vocabularies of motive' consist of fairly limited repertoires of legitimising principles" (Armstrong 1981: 37). As Burawoy (1979) puts it, workers tend to attack relations *in* production (control of activities), rather than relations *of* production (ownership). However, the latter abstractly inform the former, and structural 'images of society' (c.f. Blumer 1975) may impact the level of ambition and the precise targets of opposition. *Fundamental* interest then should be located precisely as an over-arching ideological frame, or 'mobilising myth' (Hyman 1998, 2002) appealed to in order to unify variegated concrete discontents. There are in effect two vocabularies of motive in which interests appear that co-exist, but are distinct, relating to the immediate experience work and assimilated ideology respectively (Martin and Fryer 1975).

Deciphering method displacement requires attending to formulations of discontent, in concrete terms, within changing forms of conflict, tracing *what* is expressed as well as *how*,

through appreciation of the processes whereby categories are formulated in relation to the egregious experiences of work and through idioms of forms imposed by the particular avenue of expression. In respect of collective expressions this can be made clearer by considering the concept of interest *aggregation* as a necessary process in transforming workers' variegated discontents into collective claims and the reason strikes so often focus upon pay rather than the multitude of other concerns workers may have. In order to be expressed, collective interests must be redefined (Offe and Wiesenthal 1985). In this process the demand or discontent that is articulated may be arbitrary:

"It follows from the antagonistic social relations of production within capitalism that workers typically experience a multiplicity of grievances directly related to the terms of their employment and conditions of their labour as well as to their more general social situation… a stoppage precipitated by a specific episode or grievance (perhaps of a trivial nature) may occur only because of a prior accumulation of a multiplicity of other discontents." (Hyman 1989: 111-112)

Kelly makes valid points about the institutionalist bias in IR (c.f. 1998: 17), but loses sight of institutional parameters that shape the precise formulation of claims. These must be deciphered to provide more satisfactory answers to questions about what has happened to conflict as it has been passed through different mediums of expression. Amongst the hostility emanating from the experience of work and employment, "which grievance the strikers… choose to represent as the reason for their action may be to some extent arbitrary- and may well be determined… by the type of demand appropriate for collective negotiation between union and employer" (Hyman 1972: 126). Formulating demands in collective bargaining involves "establishing priorities among a variety of competing interests and aspirations" (Hyman 1998: 4). In essence: "collective bargaining is the art of the possible within a narrowly defined framework of possibility" (*ibid*: 124). There are contradictory pressures on unions to formulate claims that have 'internal acceptability' to members, *and* 'external negotiability' to management (Offe and Wiesenthal 1985: 188). The need to settle disputes "reconstitutes conflict in a framework of negotiation" (Burawoy 1979: 115). The requirement for settlement necessitates the articulation of formulations that supply an "ample bargaining range" (*ibid*: 123). It is for this reason (rather than pure instrumentalism), that strikes so often concern pay as the need to standardise tends to lead to the "monetarisation of interests" (Muiiler-Jentsch 1985: 24). Thus, "economic demands

take on a symbolic character to unify vague hostility- as such reasonably disparate grievances of individuals may be made into a collective claim*"* (Hyman 1972: 122).

In collective action, the precise target and rationale often only becomes explicit once it is in progress, and the selective articulation of the issues at stake are "inevitably influenced to an important degree by opinion leaders among the participants, by influential outsiders, and by the more general industrial and social environment in which the dispute occurs" (Hyman 1989: 112). Such processes also apply to the formulation of individual disputes to varying degrees.

Furthermore, the individualisation and collectivisation of discontent are not necessarily opposites (as argued in the opening section on substitute and complimentary forms). Within collective disputes, issues remain simultaneously personal as well as 'shared'. As the dissatisfactions of individuals are 'transformed' into collective claims they retain their ultimately personal character. Karsh's study of an organising campaign and prolonged strike at a Wisconsin mill found that:

"The large majority understood very well that there were numerous reasons for their dissatisfactions with their employer and their jobs. But the specifics of these dissatisfactions were personal matters, generally between the worker and his immediate supervisor or the worker and the immediate conditions of the job. The dissatisfactions had become shared during the organizing drive but, again, in a general way within the context of the union and the work group." (1959: 131)

Hence, 'interests' may usefully refer to different levels, relating to specific issue formulations as fundamental/abstract or specific/concrete. Successful mobilisation involves "multifaceted justice claims" (Fleming and Spicer 2007: 166) in order that proffered demands capture diverse experiences. Thus: "Solidarity implies the perception of commonalities of interest and purpose which extend, but do not abolish, consciousness of distinct and particularistic circumstances" (Hyman 1998: 3).

In more adequately deciphering 'method displacement', there is a requirement to analytically dissect the extent to which various expressions address the collective 'reality' of the situation. Even in the expression of *collective* claims, "the demand put forward can *both* constitute a genuine aspiration of the strikers, *and* fail to represent the total sum of their grievances" (Hyman 1972: 126 original emphasis). For this reason, formulations presented,

whether through collective bargaining, strikes, tribunal claims, grievances (or discerned from informal means of 're-appropriation') should be retained in the analysis, whilst kept firmly in place as 'interests' at a concrete level (and in relation to fundamental interests). Due to the necessary process of aggregation in constructing collective claims, 'method displacement' also involves the accompanying displacement of formulations that are partly shaped by the modes of expression entertained.

The prism analogy in Figure 2 below serves to illustrate that the fragmenting of collectivism into individual disputes, as 'collective issues writ small' (Bacon and Storey 1996), cannot be simply read-off from the changing pattern and categories of disputes as expressions of discontent are necessarily re-formulated as they pass through different mediums. Institutionalised avenues for expressing discontent provide particular sanctioned formats or formulations in which expression are dressed. The parameters of grievance procedures and collective bargaining (as well as the tribunal system) shape and funnel discontent in particular ways, and each avenue of expression has its own idioms, particular languages in which complaints may be articulated. In order to understand 'method displacement', we need to more carefully analyse individual disputes and decipher their meaning with respect to the formulations imposed by the institutional avenues of expression and how these bend and shape discontent, like light passing through a prism. We know relatively little about the processes by which individual disputes are formulated and even less so for grievances at workplace level. Yet, the relative ubiquity of grievances, as well as the emphasis placed on early and informal resolution of individual disputes within the workplace in policy discourses makes grievance expression an important site of study. The next section suggests that grievance expressions are likely to bear the imprint of method displacement, presenting an analytical strategy for deciphering what they tell us. Grievance expressions are increasingly divorced from systems of organised interest aggregation that were once their bedrock. This detachment from collective bargaining, and the contraction of bargaining where recognition exists, is altering the nature of grievances and their formulation.

Figure 2: The Means of Expression and Formulations of Discontent

Institutional Avenues of Expression (e.g. collective bargaining demands, grievance)

Variegated Discontents

Formulation Expressed (within sanctioned categories)
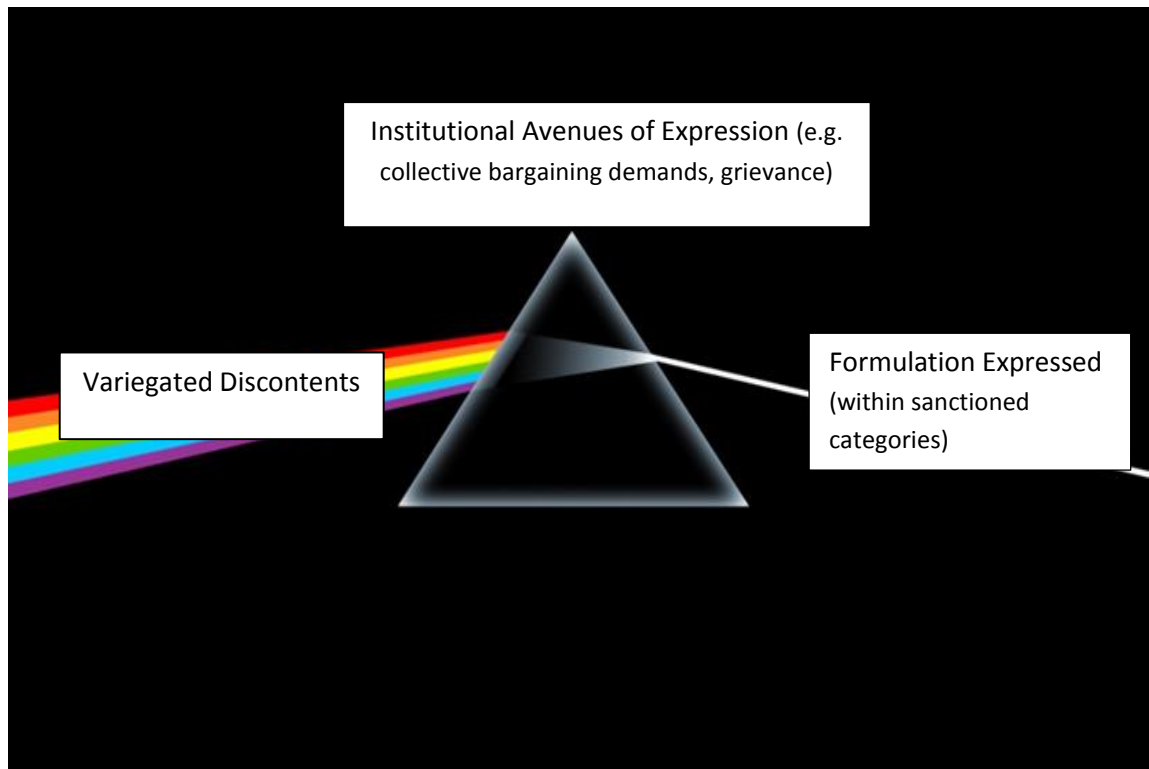
2.11 Grievance Formulation

In grievances, as in collective disputes, some ordered aspect of discontent is expressed. The notion of method displacement is rather vague in terms of how the aspects of discontent that are expressed in disputes have been *re-ordered.* It suggests that the rise of grievance expression is the result of suppression. The 'problems' expressed individually are implicitly viewed as 'collective issues writ small' (Bacon and Storey 1996), as public issues dressed as 'personal troubles' (Mills 1959/2000). We know that many 'vulnerable' workers perceive problems at work to be collective in nature but have little opportunity to express them as such (Pollert and Charlwood 2009). Yet, we know very little about the social processes through which individual disputes are labelled in relation to the problems from which they arise. No analysis[10] has been conducted that examines the social processes of grievance formulation in relation to method displacement, to show how and why public issues remain personal troubles.

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[10] To the best of my knowledge following extensive research across many disciplines and streams of research.

Individual disputes and grievances are assumed to be relatively uncomplicated. This assumption is misguided, conflating the neat and compartmentalised formulations which are necessarily "'reduced' (a revealing word) to writing" (Selekman 1945: 471) with the broader discontents that tend to underlie them and complex processes of formulation. Grievance procedures are designed to fit complaints into neat, sanctioned categories; the process of 'becoming' such an entity is obscured. However, a few studies have examined the complex nature of grievance formulation, enabling more nuanced explanation of 'method displacement' (without themselves directly addressing it). The expression of *a grievance*, as a formal complaint, involves an "assemblage process" (Fortardo 1992: 288). Fortardo marks a crucial distinction between grievance 'the thing', a reified entity, and the complex social processes of accumulation and formulation that underlies it:

"A *grievance* normally refers to a formal oral or written complaint. The concept of *grievance conflict* more broadly includes all of the other latent and manifest conflicts that are part of complaint situations." (Fortardo 1992: 288, original emphasis)

Bouwen and Salipante (1990) add that grievances expressed by individuals must be understood as socially formulated rather than atomistic. Their *post-hoc* analysis of grievant-recollections found that the sources of grievances were invariably seen as complex, involving multiple causes. In moving towards grievance expression, individuals went through four identifiable episodes in which problems and causes were re-worked. Firstly, individuals hold a *private* understanding that some feature of their situation is unjust. Secondly, an *anticipatory* stage involves consideration of how it might be articulated to others. Thirdly, *public* formulation may further refine an issue 'in the telling'. Fourthly, an interactive episode further impacts formulation as others responds to it. The finding that grievance expressions are in part determined by the legitimacy and 'support' of others (anticipated or articulated) complicates the construction of grievance as discrete entities and problematizes the boundaries between interactive formulation that lead to grievances and processes of 'micro-mobilisation' in collective action frameworks (c.f. McAdam 1988). Within the latter, 'pluralistic ignorance' that problems are not shared is dispelled (c.f. Kelly 1998: 36), potentially leading to collective trajectories of expression. Despite this apparent

overlap, Bouwen and Salipante are silent on considerations of collectivisation[11]. Like Fortardo, they imply that there exists a sphere of conflict ultimately destined to result in grievance expressions, when in fact the form an expression takes is highly contingent. However, once a trajectory of grievance expression is set upon, there are usually very firm strictures placed on sanctioned categories of complaining. Permissible categories will normally be shaped by organisational policies and legal rights.

If the form conflict takes is highly contingent, then there is no such thing as a discrete area of relations from which 'grievance conflict' arises. It is perhaps this assumed division (an isolation which has been also been a key assumption of policy programmes on dispute resolution) that has frustrated attempts to bring clarity to the notion of method displacement. It is difficult to trace the trajectory of the reorganisation of workplace conflict, as different avenues of expression all have their own 'idioms' that dress discontent in particular categories.

A crucial point is that whilst both collective and individual trajectories of expression funnel and limit expressions of discontent, individual forms such as grievance expression are more specific and narrower. Without dealing with basic collective provisions, we cannot hope to successfully resolve "the individual nuances and peculiarities" that might arise in grievance expressions (Barkin 1943: 9). In this respect, the capacity to raise and resolve grievances has diminished as workplace trade unionism has declined. Grievance procedures cut adrift from collective bargaining are thus becoming overburdened with complaints that are increasingly intractable. However, there is little research that attends to how such formulation processes interrelate and lead to alternative trajectories of expression. In particular, there is little evidence of how collective expression and aggregation in a setting interrelate with grievance formulation and how such patterns differ in different workplace regimes.

2.12 Overview of IR's Contribution

In relation to method displacement, what limited IR research there is has largely relied on survey data to analyse the correlations of declining unionism and rising tribunals, as well as

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[11] They do not discuss the nature of their sample in any detail, though they mention that around half of the grievants interviewed were union members.

highlighting the limits of the ETS as a means of retribution (Dickens and Hall 2003). Important though this is, it has spurred insufficient attempts to examine the complexity of what individual disputes encapsulate, an important detail in the reorganisation of conflict. Here Kelly is resonant: IR has offered more information about institutions and structures than theorisation of social processes of interest definition, reinforcing the "institutionalism of which Bain and Clegg so eloquently and rightly complained" (1998: 17). Documenting the *institutional parameters* of method displacement has predominated at the expense of the processes of formulation within the workplace and a nuanced analysis of how particular aspects of the experience of work are 'captured' and reduced to 'justiceable claims' (Genn 1999). However, Kelly's (1998) work may swing too far the other way for present purposes, to the detriment of including how institutional avenues interrelate with social processes of interest definition to shape the expression of conflict.

Attention has moved from collective to individual disputes but the continued focus on the institutional level gives little sense of the nature of workplace relations and how work is experienced. What might people be discontented *about*, and to what extent are they expressing and resolving these issues? How much has this changed in response to new types of work and employment practices? The tribunal system adds an additional (legalistic) layer of institutional dressing on top of grievances formulations, expressed in the workplace, becoming increasingly difficult to decipher their sources, and how far workers contest managements beyond what are quite rare acts of formal dispute, hence why the neglect of grievance is a missed opportunity.

Many of these gaps in this stream of IR are addressed by another stream of research focusing on labour process analysis (LPA) in which the method displacement thesis can also be discerned. However, LPA tends to leaves other gaps of its own and there remains a connectivity problem (Thompson and Newsome 2004) between concern with the mobilisation of conflict into formal collective conflict and institutionalised structures and the negotiation of conflict and consent at the point of production. A central controversy has centred upon whether and how to place acts of resistance and misbehaviour in relation to a benchmark of formal collective action. A brief introduction to this debate is presented in preparation for the next chapter's dissertation of the changing nature of work and its experience, and how this impacts the precise bases of discontent.

Studies of the labour process provide another piece of the puzzle, involving demonstration of various forms of conflict expression, often related to the evolving nature of work and social organisation of the workplace. Against a backdrop of the decline in the formal expression of collective claims, the analytical net has been cast wider, emphasising broader labour agency under the category of 'resistance'. This encompasses expressions in sabotage, the withdrawal of cooperation, and effort-bargaining; essentially, "any individual or small group act intended to mitigate the claims by management on workers or to advance workers claims against management" (Hodson 1995: 80). 'Second wave' (post-Braverman) labour process analysis (LPA) has fore-grounded the dynamics of control, consent, resistance and cooperation at the point of production (Thompson and Smith 2010c: 13). Stressing the 'relative autonomy' of capital-labour relations within the workplace from their relations as societal actors, LPA has aimed to connect IR's traditional focus on the meso-level of collective actors and institutions 'downwards' (Thompson and Newsome 2004: 137), uncovering further "realms" of informal worker action (Thompson and Smith 2009: 258).

LPA shares many of the same broad theoretical concerns as IR (see the conceptual territory mapped in figure 3). From a different base- the efficacy of managerial control, rather than the decline of trade unionism, or changing pattern of disputes *per se*- we find similar rebuttal of 'end of collectivism' theses, and empirical demonstration of the persistence of old and existence of new forms of resistance and misbehaviour (Thompson and Newsome 2004: 156). Whilst attending to 'managerial innovations', LPA has generally attributed the relative quiescence of organised labour to an unfavourable economic and political climate (Ackroyd and Thompson 1999: 163). Workers are neither "cowed [n]or contented" by 'panoptical' surveillance or high-commitment practices (Taylor and Bain 2003a: 1487). Despite dramatic decline of formally organised opposition, it is not "All Quiet on the Workplace Front" (Thompson and Ackroyd 1995). Conflict "is not so much being removed as reorganised and expressed in new ways" (Edwards et al 1995: 284). LPA has infrequently focused on particular forms of worker opposition*,* rather relations surrounding workplace innovations are grounded within a consideration of the meaning of worker actions and their ends such as coping, escape from tedium or intensity, regaining dignity (Hodson

1995), or in Ackroyd and Thompson's (1999) model, the 're-appropriation' of time, product, work or identity.

Figure 3 The Conceptual Territory: IR and LPA
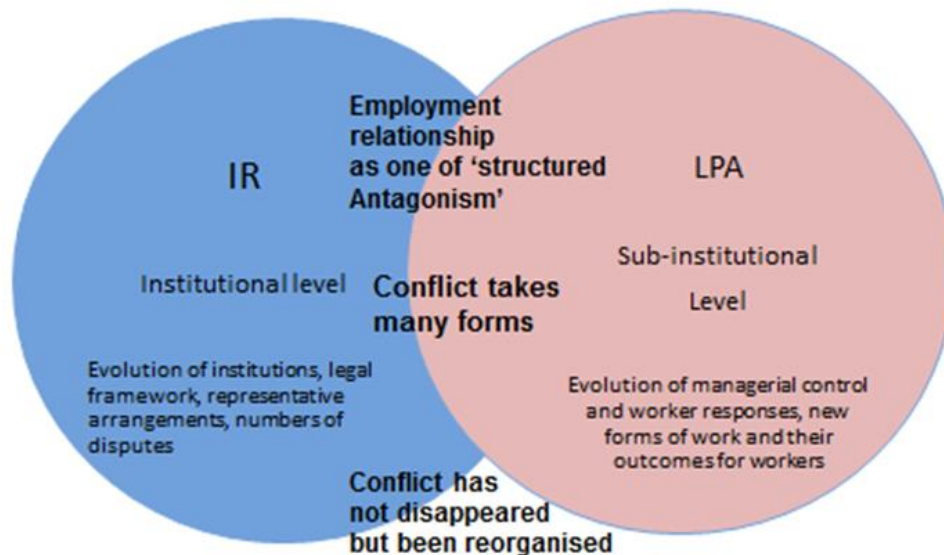
The oppositional expressions of interest to LPA frequently involve "highly specific targets" (Hodson 1995: 103). Indeed, LPA provides rich accounts of the nature of work *because* they often delve into unorganised acts that involve recoiling from the "immediate manifestations of oppression" (Hyman 1972: 53). The most nuanced accounts of informal resistance have related variegated forms of struggle to more abstract features of capital-labour relations (Edwards 1990). Still, LPA has attracted criticism for overstretching its analytical framework; every minor act of dissent comes to be seen as 'resistance' (Contu 2008). For Contu, attempts to encompass broader labour agency, have analytically "side-stepped the Marxist roots of the term [resistance]. Specifically the impression of conflict and antagonism" (*ibid*: 365), remaining silent on the exact way in which subterranean forms are taking on an increased 'significance' (Ackroyd and Thompson 1999) and what this

means. For Stewart (2006: 182), the field has too often "subordinated concerns with the broad interrelationship of social and material power to discussions of individual subordination, power and identity."

The significance of various oppositional practices is complicated by the overlap of resistance with cooperation, compliance and consent. Oppositional acts may defuse tension, reinforcing and reproducing the existing order (Burawoy 1979). Whilst it is valuable to examine forms of 'negotiation' other than institutionalised collective bargaining, Kelly argues that "in conditions of employer ascendancy and world recession there is a danger that a focus on negotiation of order to 'get work done' cedes intellectual priority to the employer's agenda of labour utilization and control" (1998: 131). This is a rather large leap, yet we *should* be wary of losing sight of a meaningful benchmark by which to consider the spectrum of oppositional practices and their meaning. Too often issues of worker organisation and mobilisation are over-shadowed by relatively innocuous forms of resistance that do not fundamentally challenge the prevailing balance of power in the workplace as an "antagonistic force"; "decaff", because it threatens and hurts nobody" (Contu 2008: 365 and 370). Taking humour as an example, Stewart attacks the proclaimed significance of forms of worker (mis)behaviour, challenging that it is hard to see how workers have "become more jocular just because unions are weak or non-existent" (2006: 197).

Acts such as fiddling and sabotage, Ackroyd and Thompson maintain, cannot be "taken as ineffective surrogates for striking and other acts which have formal organisation as their basis" (1999: 56). They state that misbehaviour, 'doing anything at work that you are not supposed to at work', should not be considered as "a junior form of trade unionism or class struggle which should or will one day grow up" (*ibid*: 164), but as simply 'different'. Subterranean means of 'recovering autonomy' through the appropriation of time, product, work, and particularly 'identity' have become more 'significant', stressing what they capture and express in relation to the experience of work under changing managerial regimes. The authors nonetheless avoid thorough discussion of what this means for the position and potential of organised labour. They stress the contingent connection between misbehaviour and purposive resistance to management, but leave theorisation of the precise mechanisms of transformation unarticulated. As Elger (2001: 13) notes:

"It is one thing to argue that varieties of workplace disobedience should be taken seriously and analysed in their own right. But it is a rather different proposition to imply that there are no significant differences in the effectiveness of these forms of activity as ways of protecting or advancing the emergent interests of employees."

Reflecting on their contribution, Ackroyd and Thompson "freely admit" that their work "has not solved or even attempted to deal with all the boundary and definitional terms concerning action in the workplace" (1999: 165), but rather reveals a further dimension of 'what is'.

Hence, the direction of much LPA has been to burrow *downwards* into the under-life of organisations, offering insights into the experience of work and the innovatory character of opposition under shifting managerial regimes. This represents a "retreat to a more basic starting point…rather than one that pursues more ambitious arguments about the contribution that such activities might make to an emancipatory politics of production" (Elger 2001: 11). Analytical tools to connect contemporary forms of struggle *upwards* to broader collective projects within the workplace, and beyond it, remain underdeveloped (c.f. Morrill et al 2003). In stressing the relative autonomy of workplace relations from wider class struggle, core labour process theory has tended to legitimise a narrow focus and produce "micro-level case studies whose causal chain ends at the office door" (Thompson and Smith 2010b: 923). Much qualitative research has demonstrated the resilience of oppositional practices but has "added little to the analytical armory of LPT" (Thompson and Smith 2010c: 19).

Certainly, complete "reliance on traditional (and often formal collective) indicators of resistance are limiting analytical tools" in terms of capturing the *extent* of worker opposition (van der Broek and Dundon 2010: 19), evaluating oppositional practices against an "unrealistic model of social agency and change" (Ackroyd and Thompson 1999: 138). Equally though, models that capture only action at the level of the immediate effort-bargain, celebrating the continued existence of dissent, are insufficient. Elger (2001) argues that analysis *must* reinstate formal collective action as a yardstick by which to measure alternative forms of expression; there appears little other meaningful benchmark.

LPA has made limited progress in analysing what was highlighted almost 30 years ago, albeit in a context where the direction of change appeared less uniform; that in charting

changing forms of conflict, what matters is the extent to which they are differing means to similar ends, relating to changing or maintaining the frontier of control between management and workers (Edwards and Scullion 1982, Edwards 1986). Here as in IR studies, a means to usefully compare 'traditional' forms of expression with emerging, or newly significant forms of conflict expression has yet to be developed. Part of the difficulty is that only in a few instances have studies attempted to solidly connect resistance in the workplace to wider questions about the power of organised labour.

The work of Taylor and Bain (2003a) is an exception- their comparative case-studies on the use of humour in call centres demonstrated how subversive satire may be used, not only as a means of escape or relief, nor solely to undermine management, but can assist in advancing trade union organisation. They consider the conditions for mobilisation, with informal resistance as either directed towards building formal organisation or merely surviving and coping. It would be useful to have more such studies and for present purposes particularly, those that unpick formulations of grievance expression in relation to the nature of work and its collective experience.

Activity in between effort-bargaining in the labour process and the mobilisation of disputes is too often ignored, though it is likely that this arena does not always or immediately present itself empirically in a way that is amenable to data capture, perhaps being most apparent in rare moments of nascent collective mobilisation. Furthermore, there may be something of a dis-connect for trade unions. Strikes most often concern pay rather than the control of work for a number of reasons (Goodrich 1920, Hyman 1972) and unions' agendas are found often to be far removed from point of production issues. Bain and Taylor say of call centres that discontents "emerging from the nature of the work have tended to be seen as outwith the bargaining agenda. Th[eir] survey suggests that unions need to incorporate them within it" (2002: 258). Such work approaches a shaded area between the under-life of the workplace and formally organised mobilisation processes. However, there are conceptual blind-spots that are not accounted for by methodological or practical difficulties.

2.1 The 'Connectivity Problem'

Perspectives on 'method displacement' are divided by level of analysis, each have their respective blind-spots relating to a purely institutional focus or an institutional vacuum (cf. Van der Broek and Dundon 2010). Thompson and Newsome (2004) have noted a general "connectivity problem" relating to IR's focus on the meso-level of collective actors and institutions, suggesting that the core principles of labour process theory (LPT) has influenced it to "connect downward", "strengthening tendencies in the discipline that have long sought to reach beneath institutional, formal patterns and to discover and explore hidden realms of industrial relations and workplace conflict" (*Ibid:* 137). However, there remains a "conceptual gap between the general model of control, resistance and consent and accommodation" and understandings of the 'micro-mobilization' context (*ibid*: 155), the crucible of more formal action. Thompson has elsewhere written of the need for theoretical linkages between workplace action and broader structures and practices where organised interests play a role (Thompson and Vincent 2010: 61-2).

Kelly (1998) attempted to shift focus away from an under-theorised concentration on the (waning) institutions of collective workplace regulation, and to forefront the definition of interests and mobilisation of power, linking macro (political-economic) and micro (workplace and workgroup) developments to more fully understand action, and importantly *inaction.* It is the preference for such "intermediate concepts", and rethinking of the subject matter towards the explanation of the limited appearance of organised action, that has proven attractive to a number of advocates within LPA (Thompson and Newsome 2004: 156), and as well as IR (Gall 2008, Darlington 2002). The framework may assist in addressing problems in the research streams as outlined above. It asks of IR research to move beyond its narrow institutionalist-focus towards social processes of interest definition, organisation and mobilisation. To LPA debates it calls for greater attention to the relative efficacy of resistant practices, and the way in which they may lead to or bolster collective mobilisation. In return, analytically and empirically developing the implication of method displacement may give more grounding to what is a key prop of Kelly's (1998) work; that the apparent rise or increased reliance upon alternative modes of expression represent 'frustrated' collective claims. This thesis contributes by examining what grievance expressions tell us about discontent in the workplace, how it is formulated and how it has been reconfigured over the last four decades, particularly how discontent

comes to be defined as an individual concern. The formulation of discontent in different trajectories of expression are key to understanding method displacement but has tended to lie in this shadowy, hinterland between LPA and IR.

To date, whilst broadly accepted and widely celebrated, the concepts outlined in mobilisation theory have tended only to be subject to surface level application. As Gall (2008) argues, Kelly is widely cited but given brief treatment, mentioned in introductions and conclusions rather than subject to rigorous examination. Thus, "in terms of its uptake and usage by others, the fruits have been so far quite poor" (Gall 2000: 2). Such superficial treatment may reflect a general theoretical paucity in IR, inclined towards description of 'what's going on'. However, low uptake may also relate to under-specification of concepts. The lack of treatment of alternative forms of conflict is not a problem in itself, but when MT's implications are unpacked, assumptions regarding worker interests, interrelations between forms of expression, and *levels* of change and continuity are found to be somewhat limiting for present purposes. As will be dealt with in chapter three, a better understanding of the reconfiguration of conflict, must attend to subtle changes (in the nature of work, of the focus of managements and thus specific sources of antagonism) whilst respecting very important and robust continuities in the overarching nature of the employment relationship.

2.14 Conclusion

Workplace conflict is a fluid phenomenon that can take many forms, depending on the balance of forces between employers, employees (and their organisations), and opportunities for expression. The last thirty to forty years has seen a dramatic reorganisation of the way in which conflict is expressed. What is unclear is the degree to which the decline of collective and rise of individual disputes reflect the same causes, as differing means to similar ends. The form conflict takes is contingent upon the nature of workplace regimes- the social organisation of the workplace and position of the frontier of control. Within a setting, different forms may act as complements or substitutes to each other and may be more or less significant acts in relation to the conduct of relations. That said, the practically wholesale shift from collective to individual disputes that has been

witnessed over a period spanning roughly four decades suggest significant forces pushing in the same direction.

Reconfiguration is best understood as a process of 'method displacement', such that the suppression and counter-mobilisation of organised labour has seen conflict pushed towards alternative means of expression. However, this notion is vague, and undocumented in any rigorous sense. Within this picture, the fluidity of formulations of discontent has not been given much attention, but arguably could be a useful analytical step in better deciphering method displacement, tracing how large scale disputes over pay and conditions have been fragmented towards individual tribunal claims over dismissals and unpaid wages, and grievances over unfair treatment and bullying. Examining the formulation of grievance expressions, and how this varies in different workplace regimes is a fruitful research strategy to show how the decline of unionism has reordered the expression of discontent. Such a framework must trace both the *form* and *content* of conflict expressions, requiring greater connectivity between the spheres of IR and LPA. IR has rarely explored the dynamics beneath the institutional level and has remained rather disconnected from LPA and the referents of conflict at a concrete level. This makes it difficult to trace how expressions of conflict have been reshaped. Greater understanding of the prevalence of particular formulations such as 'bullying' by management, which has come to be the main category raised in grievances (IRS 2010, van Wanrooy et al 2013) requires to be appreciated in relation to the experience of work in addition to changing institutions. The following chapter draws further from LPA in an examination of trends in the nature of work, the extent to which evolving control is contested and the formulation in which this is done. These are synthesised to begin proto-explanation of why 'bullying' has arisen as a "solar collector of resentments" (McCarthy and Mayhew 2003: xv) that resonates with workers experience of contemporary capitalism, and the extent to which it is contested.

Chapter Three:

Change and Continuity in the Nature of Work and its Experience: the Evolving Bases of Discontent

3.1 Introduction

Chapter two laid out the core theoretical basis of the thesis, presenting a conceptual problem in how we understand the reconfiguration of conflict at work and an analytical strategy to address it. It was argued that in order to better understand the vague notion of 'method displacement' we must attend also to the way in which issues are reformulated as workers' discontents are refracted through different prisms of expression, particularly from collective disputes towards individual disputes, and grievances at workplace level, appreciating the strictures and parameters particular institutional avenues place on the formulation of expressions. We must consider precisely what is being passed through mediums of expression in terms of the underlying sources of discontent. Grievances in the workplace were identified as an understudied expression, and one that could help decipher how discontent has been reconfigured by considering the variation it shows in different workplace regimes. Chapter two dealt with changing forms and processes of formulation, closing on the need to connect such analysis more closely with the core territory of LPA- the experience of work and negotiation of order at the point of production. The task of this chapter is to consider the *referents* of conflict expressions in more depth, and how these could be expected to shift with the changing nature of work that has accompanied change in the institutional landscape of IR over the last four odd decades. What is there to be discontented about in particular, how far has this changed and how does this inform expression and contestation?

Firstly, attention to the evolving priorities of management and the negotiation of *consent* as well as conflict in the workplace is justified, as this focus can be contentious among scholars who see themselves as firmly 'on the side' of labour. The chapter builds on the argument of the last in stressing the need to connect our understanding of changing forms of conflict to the concrete ways in which work and managerial concerns have evolved, setting out how various foci and levels of analysis are reconciled in aid of better appreciating the

reconfiguration of conflict at work. Secondly, the chapter explores trends in the nature of work and its experience. Thirdly, attention is turned to trade unions and how they have responded, following Hyman's (1998, 2002) argument that there are new problems of aggregation in the present period which follow from the changing nature of work and its experience. Finally, we come full circle to how this all relates to individual responses and grievance expressions in particular, closing with a discussion of the rise of bullying as a formulation in which grievances are dressed.

3.2 Change, Continuity and Levels of Analysis

Chapter two argued that in order to decipher method displacement, there is a requirement to more precisely theorise social processes of interest definition. The formulation of discontent in grievance expressions was advocated as a lens through which to examine how conflict is organised and how this relates to different workplace regimes. The conceptual framework proposed drew from Kelly (1998), but noted a need for considerable elaboration upon his basic propositions.

Kelly's 'rethinking' of IR stresses important continuities in the fundamental nature of the employment relationship under capitalism. His avowedly Marxist framework offers a *fundamental level* of analysis. For present purposes there is a danger of over-emphasising continuity to the neglect of important permutations in the precise sources of conflict (c.f. Edwards 1986, 2006). At a fundamental level, there is 'nothing new under the sun'- the garb in which exploitation is dressed (e.g. 'HRM,' 'high performance', 'high commitment' management) matters little to the ultimately cyclical runs of mobilisation and counter-mobilisation between capital and labour. Kelly bemoans debates on 'change and continuity' "where large piles of evidence were pored over to defend one or other position" and "little theoretical or conceptual discussion occurred in order to establish what were the most salient criteria for determining the existence of a 'new industrial relations'" (1998: 21). Yet, the under-theorisation of 'change' does not repudiate its consideration. The implications of shifting objects of management attention (Thompson 2005:173), as change within bounds, are set out below. Kelly's concession in terms of the significance of emerging management practices and fashions is to see them as the latest form of 'counter-mobilization'. Treatment is tightly focused upon the exercise of power through overt repression and de-

legitimization of union activity and strikes, as *cyclical* offensives, downplaying consideration of precise forms by which managements seek to exploit labour. Kelly implies LPA in particular has lost sight of an emancipatory agenda. He views mobilization theory (MT), which centres injustice, as "a very different intellectual agenda from a focus on 'how work gets done'" (1998: 132). Kelly's objection is that this involves research foci and questions that may cede "intellectual priority to the employer's agenda of labour utilization and control" (1998: 131). Kelly is more interested in how such changes reflect the counter-mobilisation of organised labour.

However, if organised labour is to mobilise, they must build campaigns which resonate with work and workers which look very different from the previous periods of strength and of growth. As argued below, there are distinctive challenges associated with contesting the Neo-Liberal orthodoxy. In a climate of intensifying competition within an increasingly interconnected global economy, the growth of information and communication technologies, managerial ideologies and organisational practices and the marketization of the public sector as part of welfare state retrenchment (c.f. Warhurst and Thompson 1998: 19), the globalization of financial markets, and the increasing power of shareholders, all provide quite unique challenges to organised labour (McGovern et al 2007: 6). At a concrete level (the level at which people experience work, discuss it and negotiate it) there are important discontinuities. It is the concern of this chapter to reconcile a conceptualisation of change and continuity in the nature of work, drawing mostly from labour process debates.

3.2.1 Labour Process and the Evolving Character of 'Exploitation'

Continuity in the employment relationship relates to fundamental interests and the overarching structural relation between waged labour and capital (Hyman 1998: 2). Kelly's stress on continuity is wholly justified *at* a *given level*. As Blyton and Turnbull put it:

"Whatever else may have changed over the past decade or so, the defining characteristics of the employment relationship remain unaltered. Thus, the basic conflicts of interest that exist between employer and employee have neither eroded nor eradicated." (2004: 349)

Mark Serwotka, General Secretary of the PCS union described how behind their glass-fronts, 'new' workplaces like call centres are simply the "new dark satanic mills," in which the same kind of hardships arise that have always troubled workers. "It may not be a factory or a steel foundry, but actually, the daily oppressive working [is the same]- they're very difficult jobs, the turnover rates are huge, low-paid, oppressive" (cited in *The Guardian,* 2010, see also Taylor and Bain 2003a, who draw similar conclusions from their research). However, important discontinuities relate to the precise nature of struggles. We need not post-modern, post-structural or any such 'paradigm-break' perspective, whether based on "unshakable optimism" (Thompson and Smith 2010b: 919) or pessimistic fatalism, to appreciate altered bases of both consent and resistance that reconfigure the character of oppositional expressions. Change and continuity are not essentially mutually exclusive propositions; but how well they characterise the contemporary situation depends upon which level we are analysing.

Labour process theory draws on Marxist principles but is committed to studying the *concrete level* of workers' experience, viewed as having a relative autonomy from capital-labour relations in society (Edwards 1990). The *character* of 'exploitation' has not lessened, but rather the bases of conflict have altered (Edwards 1992). To expand the insights of MT to a broader repertoire of action, and to usefully relate multifarious forms of conflict expression to the decline of the strike (as in 'method displacement'), there is a requirement to be more precise about the nature of managerial regimes, demands made upon workers and the nature of control which oppositional expressions respond to. In this we can appreciate the complex "balance between continuity and change, convergence and variability" (Warhurst and Thompson 1998: 7) and the levels of analysis to which they pertain. Blyton and Turnbull (citing Burrell 1992) outline the concept of 'spiral time'. This model:

"[C]an incorporate elements of both linear and cyclical time: movement along the spiral involves travelling away from the original point of departure but not in a simple linear fashion. The trajectory also contains cyclical elements or periods of reversal. By adopting the notion of a spiral, we may equip ourselves with a more adequate metaphor with which to understand the way employee relations develop over time- a development which simultaneously displays elements of change and continuity, progression and reversal…

Capitalist economies experience long waves of growth and stagnation/decline, but each wave is substantially different from the last." (2004: 14-15)

In this vein, Ramsay (1977) argued that we have seen cyclical turns of tightening and loosening of managerial grip on the labour process, involving changing objects and forms. Worker participation has "not evolved out of the humanization of capitalism" but in response to periodic perceived challenges (*ibid* :481). However, each cycle involves slightly different forms which, importantly will lead to a particular blend of opportunity and threat to workers, and as argued in section 3.5, unions ability to mobilise workers' discontent is partly dependent on their ability to respond to and articulate campaigns that resonate with workers' experience.

Rather than ex-communication between proponents of different levels of analysis, there is much to commend greater connection, appropriately conceived, in aid of better explanation (Thompson and Newsome 2004). LPA forefronts "the means by which employers *control* their employees" (Brown 1992: 37), and though an emancipatory agenda is sometimes implicit rather than explicit, concerns are far from managerialist. Work in the labour process tradition has stressed continuity in the *overarching* relations of the employment relationship, "identifying key trends across sectors, companies and nation states, while setting out the systematic features of the capitalist labour process that shape and constrain those relations" (Thompson and Newsome 2004: 135). 'New' forms of control combine and intersect with previously identified forms which workers *invariably* find ways to resist (Collinson and Ackroyd 2005: 314). Furthermore, *control* is not solely the outcome of managerial activity, but "emerges from the process of struggle" (Edwards 1990: 142). The best of LPA has related concrete exploitation and activities at the point of production to abstract capital-labour relations (see Edwards 1990), maintaining that the political goal *should be* illuminating "practices that empower workers and their organisations" (Thompson 1990: 122).

Neither can LPA be simply "equated with a fascination with the minutiae of shop-floor behaviour"- done well it can demonstrate the "working through of structural influences" (Edwards 1990: 129). Explicating the need for precision in treatment of 'exploitation' and resistance curbs the assumption that capital and labour meet in the workplace as two opposing sides of an unambiguous, categorical (class) divide, preferring to examine the specify of structured antagonisms (*ibid*). Not all of worker and employer interests

necessarily conflict, and cooperation and consent are produced within the same processes (Thompson 1990: 101). Thus, the "expanded use of labour power can be a source of consent and common interests[12]" as well as degradation (Thompson and Smith 2010c: 17).

Whilst the interests of management fall within a relatively coherent range compared to those of workers (Offe and Wiesenthal 1985), the precise manner in which capital aims to exploit labour leads to specific sites of struggle and present new challenges to organised labour. Oppositional practices are given character by the nature of managerial regimes as well as worker organisation. Edwards has addressed Kelly's (1998) 'rethinking' directly here saying that:

"in the identification of a field of study, a focus on employee interests is as unsatisfactory as one on those of employers. IR examines job regulation, but this is scarcely to adopt an employer's agenda (whereas HRM arguably does adopt such an agenda)." (2003: 29)

LPA, like the 'field' of HRM, is concerned with the dynamics of the regulation of work and frequently finds that managerial innovations lead to performance gains. Unlike HRM perspectives, this is seen as having predominantly negative impacts upon workers (Thompson and Harley 2007: 147). Also unlike HRM (and post-modernist accounts), LPA does not rest on changing 'interests' to explain reconfiguration, but looks to changing sites of struggle, demonstrating remarkable tenacity in the *fundamental* nature of the employment relationship and its contradictions despite dramatic developments in the content, location, and organisation of work.

Charting the precise nature of exploitation is important for the purposes of empirically demonstrating the validity of mobilization theory itself. Substantiating 'method displacement', requires empirical and conceptual support for an implied counterfactual- *but* for counter-mobilization, individual claims and expressions in multifarious informal oppositional practices *would be* collectively addressed. Greater attention to the *content* of struggles is a fruitful mode of analysis towards an understanding of the processes whereby expressions of workers interests are limited to 'collective issues writ small' (Bacon and Storey 1996).

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[12] It should be noted that Thompson and Smith highlight that common interest may be less realizable in current (recessionary) circumstances (*ibid*).

3.3 Shifting Managerial Priorities, Conflict Expressions and Formulation

In deciphering evolving conflict expressions, it is crucial to attend to evolving managerial concerns, not least because however hollow, managerial rhetoric shapes the formulation of discontent. Trade unions are "above all else are 'secondary organizations'" whose existence and operation are conditioned by the employing organizations of those represented" (Hyman 1997a: 309). In articulating opposition, "because managerial ideology is generally dominant, workers are usually reduced to using management's own principles and arguments against them" (Kirkbride 1992: 79). They must appeal to what Armstrong et al (1981: 95) have termed "consensual principles of justification." Organising efforts in front-line services, for example, have involved 'appropriating the [employer's] brand' (Simms 2009), in attempts to "use managerial ideology 'against itself'" (Armstrong et al 1981: 42). Even if "enlightened HRM… has clearly failed to deliver its promise" (Coats 2009: 30), Legge (1995: 60) argues that we should treat such managerial rhetoric as 'real' because it reflects managerial demands which may be partially realised, or at least experienced as pressures by workers. Thus, the specific concerns and strategies of management need to be explicated if research is to have the "capacity to do for labour what innovative research has done for management" (Thompson 2005: 173).

Analysing the extent to which workers' expressions may be considered 'displaced' reflections of their collective concerns involves examining their formulations of their situation, and how these take shape. However limited the uptake of coherent packages of HRM, "`Soft' HRM… appears to have served some purpose without ever, so to speak, taking `physical form'" (Keenoy 1997: 835), altering the *formulations* of discontent and mandating acceptable 'vocabularies of motive' (Mills 1940) that might be appealed to in grievances or collective campaigns. Analysing method displacement requires that such vocabularies are unpacked to facilitate comparison of the character and content of expressions under different regimes. The central concern here is how precisely, we might expect "the characteristics of employee action [to] shift as the objects of managerial regimes change" (Thompson 2005: 173). The focus of this thesis is how *formulations* of discontent have changed within these processes. This is not merely of academic interest. The problems currently facing organised labour may in significant part relate to the exhaustion of traditional discourses of solidarity, and their failure to respond to new ideological challenges, foregrounding the extent to which unions' appeals adequately capture the

contemporary experience of work and employment (Hyman 1998, 1999, 2002). Unions "must scrutinize the concepts which have inspired the offensive of employers and the political right and attempt to reclaim these for different purposes" (Hyman 1999: 4).

The decline of organised labour since the late 1970s has strengthened managerial prerogative, and workplace decision-making is increasingly unilateral. However, beyond the clear managerial ascendance and increasing vulnerability of individual workers, developments in the character of managerial regimes and how they are experienced by workers is complex. The reorganisation of work has led to new contradictions in worker experience, an "altered blend of control and consent" (Geary 2003: 362). There has been neither a uni-linear upgrading nor degradation of the nature of work. This is explored and given further clarity below, in addition to examining how this relates to changing discourses and contestation and in particular, an explanation of patterns of grievance formulations, charting trends in job satisfaction and quality and the aspects which aggrieve. This is then related to issues of trade union agendas, mobilisation, and finally to the increasing resonance of 'bullying'.

3.4 The Changing Nature of Work and Sources of Discontent

As with the decline of organised labour and changing forms of conflict expression discussed in the preceding chapter, there has been a good deal of "future babble" in relation to the changing nature of work (Thompson and Warhurst 1998: vi), proclaiming all manner of dramatic visions, both hopeful and foreboding, all of which aim at identifying some "coherent transformation package" (Warhust and Thompson 1998: 8). The evidence points to a very complex picture, with a degree of polarisation between 'good' and 'bad' jobs as well as contradictory elements within the same jobs and labour processes. Summarising such contradictions, Edwards notes:

"The central puzzle is that rising skill levels and increases in the amount of communication between management and employees and in reported autonomy go along with a lack of control over one's working life" (2001: 3).

Surveys note an increase in work effort and intensity, but have also consistently found that pressure is accompanied by rises in 'skill', variety and responsibility. Edwards (2001)

stresses that the relationship between such positive and negative aspects of work as they are experienced must be better understood, as they are so often found in combination.

In response to crises of profitability there have been attempts to secure the "full utilisation of labour" (Thompson and Harley 2007: 157), with managements seeking "new ways to remove obstacles to the extraction of effort" (Thompson and Smith 2010c: 16). Qualitative intensification has resulted from "more flexible and expanded use of worker capacities and tacit knowledge… [meaning an] often inequitable shift in the effort bargain" (Thompson and Smith 2009: 260). Survey and case-study evidence suggests increasing responsibility for specific tasks combined with rigid definitions of such tasks and of monitoring of their performance (Edwards 2001: 10). Technological advances have facilitated more complex measures of employee output and performance (Beynon et al 2002: 268). This has been particularly contentious in the public sector where, notwithstanding the relative resilience of union organisation, far reaching changes occurred during the 1990s and 2000s, involving increasing evaluation, inspection and auditing of individual, and unit performance (*ibid*: 12-13). Increasingly pervasive discourses of 'self-management', within a context of heightened insecurity, mean that the burden of competitiveness is increasingly being shouldered by workers experienced directly (Thompson and Newsome 2004: 148). Bélanger and Thuderoz (2010) characterise such developments as an evolving tendency towards control by 'responsibilization', rather than subjection, capturing increased demand for discretion and commitment to work, alongside accountability and internalised risk through exposure to market coercion.

The cumulative effect of these developments, argues Fleming is the lived experience of the discredited, though still pervasive project of Neo-Liberalism (see below) as a nightmare-ish vision of overwork (2013: 52):

"[T]he once important boundaries between work and non-work, labour and play have been severely disrupted, transforming 'a job' into a virus-like totality unlike any previous modality of capitalism. Today work is not only something we *do*… but it is also something we *are.*"

Fleming sees this as leading to an existential malaise and is rather pessimistic about any prospect of escape. Even taking sick days to cope with intense work is only storing up a headache on return to work, "absenteeism only amounts to self-punishment" (Lucas 2010:

128). Such accounts are rather hyberbolic, and totalizing, but they contain an accurate summation of the extremities of the direction of change, to which there are exceptions and variations. Paulsen (2013) finds a great deal of 'empty labour' in the workplace. In some places there are carefully orchestrated displays of work where there is leisure. In others, some workers genuinely have too little to do and desire *more* work. Paulsen thus questions aggregate trends in work intensification, pointing to the need to understand how this is stratified. He offers a very practical, whilst theoretically astute guide to placing oneself in a job with a more leisurely pace of work, or at least where one can slack-off without detection by management[13]. However, the extent of such jobs and degrees of empty labour are not obvious.

The very clear trend over several decades is that people are working harder (Warhurst and Thompson 1998: 9, van Wanrooy et al 2013). The direction of change towards more 'demanding' work in general (Green 2006), has both positive and negative consequences for the average worker. Bolton and Houlihan (2009a: 1) find from synthesising LPA accounts from across a range of occupations, sectors and workplaces: "The threads that tie these diverse narratives together present a picture of commonality across all sorts of regimes around one central point- the increasing pressure of the workplace under vigorous capitalism." Work has grown more stressful for all categories of workers, with work intensification reported across all occupational groups during the 1990s (Green 2006). Whilst acceleration of this trend halted around 1997, work did not necessarily get less intense, rather the trend plateaued at a high level. By the late 1990s we have the widespread belief that most employed people are "overworked" (McGovern et al 2007: 127), and the detrimental impact upon on well-being is taken as "unambiguous" (Green 2006: 174).

Reports of subjective job satisfaction, which is measured by a number of large-scale surveys such as WERS and the British Social Attitudes survey (both of which provide longitudinal panel-data), is notoriously problematic, but deserves mention. Job satisfaction is often used as a proxy for workers' well-being (Green and Tsitsianis 2005: 402) and it can be used to look at different sources of satisfaction and how these fair over time. Rather counter-intuitively, given the depth of the recession, the latest evidence suggests that average

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[13] Such jobs tend to feature a high level of autonomy and often a monopoly of knowledge of new technology, and avoiding those jobs with cyclical repetitive tasks

levels of job satisfaction actually rose significantly between 2004 and 2011 for seven out of eight measures of job satisfaction (sense of achievement, scope for using initiative, influence, training, work itself and involvement in decision maring) the exception being job security (van Wanrooy et al 2013: 136). Satisfaction with pay rose "quite markedly" between 2004 and 2011 despite stagnation of levels and widespread pay-freezes (van Wanrooy et al 2013: 135). Real wages were increasing over the 1980s, 1990s and towards the pre-recession 2000s but pay inequality has also risen (Green and Whitfield 2009: 202-3). However, this a very much a tale of two sectors, with overall job satisfaction rising strongly in the private sector and lowering in the public sector between the two survey time points (*ibid*: 137).

That workers should report increasing levels of satisfaction at this time is puzzling at first sight, but when the problems of job satisfaction as a measure are considered, the trend is explicable as a 'fixed-grin' phenomena, whereby workers, either through fear of job loss, or simply by comparison to imagined alternatives feel relatively satisfied. The latest WERS publication acknowledges this briefly (van Wanrooy et al 2013: 142-3), but concludes that from the available dataset that improvements in pay satisfaction and job contentment are largely "unexplained" (*ibid*: 141 & 145). The authors examine how employees answered in workplaces affected by recession to consider this seeming anomaly. However, the effect of wider job losses and insecurity may affect peoples' ratings of their satisfaction, irrespective of whether there is a direct threat to *their workplace* or direct impacts upon them. Job satisfaction may be shaped by cultural expectations or indeed by other factors in the wider economic and social environment. Furthermore, the level of satisfaction may, to a degree, reflect adaptive expectations. "People can get used to anything; unless they have good cause to believe that their situation can and should be better employees may take the view that their position is about the best it can be" (Coats 2009: 28-9). The UK scores high on job satisfaction, but low on 'objective' measure of job quality (such as pay levels and hours) (*ibid*). Thus, job security may be particularly pertinent at present. Even those in relatively 'secure' work think themselves lucky compared to the real or imagined swathes of unemployed, constantly reported in the media, as one aspect of 'survivor syndrome'.

The tendency to be satisfied may also be stratified so that people with relatively poor jobs may be relatively more content. Edwards and Burkitt (2001) argue that as well as rising rates of job satisfaction reflecting lowering rates of expectation, there are divergent

expectations from those at the top and bottom of the labour market. Those at the bottom "resign themselves to what they have to or what they feel to be realistically within their reach" (Gallie 2007: 8). Therefore a degree-educated, associate-professional may expect 'decent', stimulating, well-paid work (although perhaps less security) whereas those entering elementary occupations may not have the same 'lofty' expectations, and may feel relatively satisfied with a job at minimum-wage. There is also a question of *who* people treat as imagined comparators in making such absolute evaluations (McGovern et al 2007: 236). The measure of job satisfaction likely reveals most about people who are dissatisfied because of a perceived mis-match between the job they are in, and the job they believe they could feasibly get (*ibid*). This in itself is worthy of study, but should not be given too much weight in understanding the bases and precise nature of conflict at work. Ultimately, the norms against which judgements of job satisfaction are made are likely be stable over the medium term (around a decade) and such trends are of interest (Green and Tsitsianis 2005: 408). Based on this horizon we find that declining job satisfaction in Britain from the 1980s to 2000s is largely attributable to increasing work effort and declining task discretion (*ibid*).

The concept of *job quality*, which depends on a compendium of more specific aspects measured separately, has become increasingly prominent in recent years, and has many advantages over job satisfaction as a measure. There are numerous ways of operationalizing *quality* (c.f. Gallie 2007, McGovern et al 2007), but all seek workers' evaluations of specific features of their jobs, rather than whether the individual is 'satisfied' with them *per se.* As individuals tend to report greater satisfaction levels for the job overall than for any specific aspect, it might be argued that if various factors did not balance out they would leave and not be in the job. Gallie (2007) suggests that *quality* is more precise and less troublesome a measure to evaluate a key concern - what do we mean by decent work and how has it faired over time? Coats also suggests that rival optimistic and pessimistic accounts of the changing nature of work are best viewed through the lens of job quality, a composite measure of 'good' or 'bad' work variously defined, usually involving some variation of themes around employment security, autonomy and task discretion, skill utilisation, balance in terms of demands (within and expanding beyond the job) and opportunities for individual and collective voice and sociability (2009: 23-5). These are reviewed briefly below.

The latest WERS shows, unsurprisingly, that insecurity has risen since 2004. 59% of workers report that their skills are higher or 'much higher' than those required in their jobs (with a small reduction in this mismatch since 2004), as well as a small increase in autonomy between 2004-11 (van Wanrooy et al 2013: 112 & 106). However, this small rise represents a *slight* reversal on a longer-run, dramatic trend of declining autonomy over the 1990s (Felstead et al 2007). The only exception to the trend of declining autonomy were skilled-trades who were relatively unaffected (*ibid*). There is a widespread perception that control is increasingly located with supervisors, exerted by peer-pressure, customers and performance management (Work Foundation, 2010). The percentage of employees saying their jobs require them 'to work very hard' increased from 2004 to 2011 in every occupational group and sector with the exception (again) of skilled trades[14] (van Wanrooy et al 2013: 103). Managers, senior officials and professionals were most likely to report working very hard. Proportions reporting the 'never have enough time' to get their work done remained stable at 41%, and 42% in 2004 and 2011 respectably (*ibid*). WERS 2011 shows small increases in the proportions of employees who report 'a lot' of influence over their work (van Wanrooy et al 2013: 106). The panel data shows that this holds whether or not the workplace reported that they were greatly affected by the recession. Ultimately, whilst a high level of job satisfaction is reported by workers, 60% of employees feel tense, worried or uneasy because of their jobs at least some of the time[15] (*ibid*: 129).

To summarise, there have been complex and subtle shifts in the nature of work, how it is experienced and the precise aspects of work which are likely to be the source of discontent. The picture over several decades can be described as mixed, entailing for most, rising wages (before the recent freeze), greater use of skills and reduced likelihood of accidents at work, accompanied by a significant intensification of work and declines in worker autonomy (Green and Whitfiled 2009: 208). Many of these trends are fairly long-run but have been accentuated by recession- unsurprisingly, security has been the clearest casualty here. It may be that job satisfaction will only begin to dip when the economy improves and workers begin to expect and perhaps *demand* better conditions from employers. However, as a number of commentators have noted, the current economic crisis has meant greater concern for the quantity rather than quality of jobs (van Wanrooy et al 2013: 101).

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[14]Perhaps relating to greater autonomy and 'occupational closure' that protects such workers and their established ways of working.
[15] This is a new measure for WERS and there is not comparable data for 2004.

To what degree does this inform the content of conflict expressions, and how in particular does it relate to method displacement and what is expressed in grievances? As noted in chapter two, LPA is not short of examples of continued resistance to increasingly sophisticated management practices (or at least rhetoric), even in contexts such as call-centres cited as involving panoptical surveillance and near complete control (c.f. Fernie and Metcalf 1998 for a Foucauldian perspective). Indeed, a certain type of cynicism and resignation may flow from increasing attempts to mobilise 'the whole person' (Ackroyd and Thompson 1999). Whilst it is also the case that managements seek to gain more from employees in terms of commitment, internalisation of corporate values and effective 'emotional and aesthetic displays (Warhurst and Thompson 1998: 10), organisations relying on them are also more vulnerable to their withdrawal. There is considerable evidence that evolving managerial demands are leading to innovative oppositional practices by employees (c.f. Bélanger and Thuderoz 2010: 153), yet evidence of radical opposition, particularly to recent 'austerity' programmes is limited. The stringent cuts and redundancies promised by the Conservative-Liberal coalition government have mobilised defensive stances from unions, but it unclear whether conflicts arising *within* the experience of work are being translated into collective opposition. The last chapter reviewed the counter-mobilisation of collectivism as an affront by the state, and eagerly capitalised upon by employers, whilst also noting the failures of unions themselves to change and adapt to the changing workforce composition, occupational structure, nature of work and broader identities (Kelly 1998). It is to the latter we now turn. This section gives a brief overview of the shift spawned by the growth of Neo-Liberalism and the response from trade unions to its impacts.

3.5 Neo-Liberalism, Flexibility and Insecurity

Whilst academic analysis is clearer upon what has disappeared than what is replacing it, there is consensus that a new political-economic order began to emerge around the 1980s, following the economic crises of the 1970s; the oil shocks, inflation and flagging productivity (McGovern et al 2007: 2-3). Harvey (2005)*,* describes 1978-80 as a "revolutionary turning point" (*ibid:* 1) with several epicentres, as the Thatcher and Reagan governments came to power and China entered the world economy. The US and UK led the way in promoting 'Neo-liberalism' as a theory of political-economic practices, promoting

the free market in securing human well-being and 'fairness'. The central plank of Neo-Liberalism has been the deregulation of financial markets. This has emboldened a new managerial ascendancy, and underpinned austerity programmes on the basis that *there is no alternative* to the discipline of the market, with wage restraint and work intensification being necessary means of competing in a global economy. The effects of this burgeoning set of ideas were profound. The justificatory principles of Neo-liberalism were at the forefront of Thatcher's assault on trade union rights and organisation such as the outlawing of the closed-shop and the more general promotion of flexibility as the watchword for labour markets (*ibid*:75). Labour is also affronted by transformations in the spatial and temporal coordination of the labour market relating to the geographical mobility of capital (which is freer than that of labour), leading to a 'race to the bottom' is search of profitability (*ibid*).

Whilst Green and Tsitsianis (2005: 413) note that subjective fear of job loss fairly closely track economic cycles, a number of commentators believe that insecurity has become more pervasive, increasing over the late 1990s at a time when objective economic conditions were relatively buoyant (Heery and Salmon 2000, Burchell et al 1999). McGovern et al (2007: 134) note that during the 1990s, workers were continuing to accept the intensification of work, and insecurity continued to grow at a time in which there was continuous economic growth and rising employment. They argue that the recurring periods of mass unemployment in the 1980s and 1990s fundamentally altered something, leaving a long-lasting residue of anxiety. We are now in a period of almost perpetual restructuring. In the past, redundancies were related to economic difficulty but are now increasingly announced by employers as a cost-cutting measure even when business is buoyant, an accepted 'strategic' response to short-term economic conditions (Blyton and Turnbull 2004: 75-6). This environment creates an increased pressure on workers to reduce their risk of job loss "by staying off the employer's shortlist of least desired employees" (McGovern et al 2007: 134).

Furthermore, as dismissals have been displaced as a cause of strikes (now a matter for individual tribunals), employers have become more sophisticated at 'managed-exits'. Redundancies look to become increasingly rare as organisations seek to remove 'under-performers' continuously to manage headcount rather than shedding particular jobs. Employers have steadily increased their use of performance-focused HRM practices across

the 1990s and 2000s. Incentive-pay has become more prevalent for managers (McGovern et al 2007: 152-67), and formal appraisals have spread from professional and managerial workers into all grades (van Wanrooy et al 2013). Performance issues now account for the majority of disciplinary sanctions eclipsing misconduct issues (Forth 2013).

This environment presents both opportunities and difficulties to trade unions in terms of mobilising resistance. On the one hand there is much about contemporary work and employment that causes discontent, but there are also features of the current period that present *new* challenges for organising and mobilising workers, some of which may be peculiar to the present period. Daniels and McIllroy (2009) focus their attention on the difficulties facing unions as a result of New Labour's policies that had a clear Neo-Liberal bent such as their distancing themselves from the labour movement, and the recasting of the envisaged role of organised labour as an actor, and the continuing promotion of individual rather than collective rights. The withdrawal of Government support for workplace collectivism was handled in chapter two. However, there are also difficulties that emanate from the diversification of work, workplaces, and workers and how unions formulate discontent that arises from contemporary work. In addition to declining union membership, problems of aggregation and solidarity may relate to the individualisation of conflict expressions if unions' appeals do not galvanise discontent arising from work and employment in this changed environment so that opposition remains fragmented.

3.6 The Challenge for Organised Labour: New Solidarities and the Problem of Aggregation

Hyman argues that translating workers variegated discontents into effective mobilising demands has always been a monumental task, yet the "problem of aggregation" may have assumed new forms in the current period (Hyman 1997: 517). He poses that by the 1990s, we were seeing the eclipse of traditional notions of solidarity, with qualitatively new problems in defining and pursuing solidaristic projects resulting from an increased differentiation within the working population, intensified competition and globalisation encouraging micro-solutions to macro problems, and the erosion of "egalitarian commitments" (1997: 521):

"Unions built their strongholds among the relatively secure, relatively well paid 'core' working class… It was an era when such workers constituted the dominant section of the active labour force that union density in many countries reached its peak, and labour movements as a whole seemed best able to identify shared interests." (*ibid*: 522)

Hyman suggests that the problem of aggregation and extension of solidarity has become greater as the "deviation from the mean [of the male, manual, manufacturing worker] so to speak has increased" (*ibid*:521). The cohesion of mass trade unionism, its geographic concentration, shared identity and occupational homogeneity at its height tend to be exaggerated, yet the "stereotype does identify a core of historical reality" (*ibid*:524). Unions have tended to be strongest among intermediate categories of employment and the development of an 'hourglass' occupational structure has presented considerable challenges (Hyman 1992: 154). The traditional core has dwindled and there has been a growth of strata to which the appeal of unionism may be less automatic:

"There has been an expansion at two extremes: those with professional or technical skills who may feel confident of their individual capacity to survive in the labour market: and those with no such resources but whose very vulnerability makes effective collective organization and action difficult to achieve or perhaps even contemplate." (Hyman 1999: 3).

More pertinent for present purposes is how the nature of work (rather than labour market participation, occupational structure and social geography) relates to the way in which trade unions' traditional objectives may have lost relevance and credibility (Hyman 1994: 119). As surveyed above, research on job satisfaction and job quality highlight intensification, stress, and work-life balance as potential sources of discontent. However, collective disputes continue to focus upon pay (ONS 2009), or most recently pensions as an emerging central source of dispute (Gennard 2006). As a 'symbolic unifier' of workers' variegated discontents, pay may no longer hold sufficient 'draw' as a bargaining item. Historically, unions have fought for a better price for greater effort, but the basis of such bargains may be becoming untenable as work intensification has continued as a fairly long-run trend. Workers in many settings have little more to give in terms of hours or effort (consider teachers for example) and employers may be less willing and able to deliver pay increases (Thompson 2003).

The question begs as to whether unions' agendas have failed to evolve apace with the changing nature of work and employment arrangements and how far this features in the declining fortunes of labour as well as method displacement in the expression of discontent. As work has become more demanding, a 'a fair day's pay for a fair day's work'- the rallying cry of the 20th century- may have to be reformulated. Crises of profitability leading to difficulties securing pay rises from employers (Thompson 2003) may mean unions will have to come up with new forms of appeal other than promises of securing better wages (Hyman 1997: 527). This is not to say that the price of labour does not matter to workers but that the effort side of the bargain is becoming untenable for many, thus becoming the main, or most immediate aspect of their work and employment that they feel motivated to act upon. Fleming asserts that "labour no longer asks for more work, better of fairer work, but an escape from work" (2013: 50). He does not provide evidential trends or examples of this, and whilst the post-modern sweep to this suggests "overgeneralisations based on oversimplifications" (to borrow Hyman's 1995: 12 phrase), there is likely some veracity in the notion that workers' concerns have shifted in this direction as the demands of management and their political-economic contexts have shifted. Of course, large swathes of society are without work, and unions clearly *do* pursue better working conditions and attempt to protect and promote jobs, but at least for some groups, protection from over-work, work strain and the boundary with home-life appear increasingly pertinent. However, such demands stray close to calls for worker *control* which have tended to be out-of-bounds for trade unions for all but the most surface of work activities (Goodrich 1920).

There are also important challenges for unions that stem from the way in which the changing nature of work is accepted as inevitable and perhaps even desirable. Indeed, one of the most pernicious features of the Neo-Liberal orthodoxy is the way in which the dictum, 'there is no alternative' provides a self-preserving veto to any kind of challenge. There does appear to be something of a greater difficulty in refuting and resisting the call for *demanding work* perhaps due to the complexities of its experience. "The ideological argument that more stressful work is more worthy and that intensified external pressure means greater autonomy has proved strangely effective" (Hyman 1999: 8). From the late 1980s the Neo-liberal ideology of individualising unemployment as a problem of human capital, and the territory of supply-side labour market policy has taken root (Hyman 1997: 531) and have proven very difficult to displace (Fleming 2013, Crouch 2011). 'Lean and

mean' is an accepted part of organisational life (Warhurst and Thompson 1998: 10) and "busyness" is treated as a "badge of honour" (Gershuny 2005). Working intensively and extensively (in what would be leisure time) is taken as an expectation of the 'new model worker' (Danford et al 2003: 3).

Yet unions appear to be struggling to challenge such issues, or separate acceptable from unacceptable working conditions in the contemporary world of work. Taylor and Bain (2001) have noted how unions often fail to address point of production issues in their bargaining agendas. Their research into union organising in call centres found that they tended to focus on pay whilst workers were clearly most aggrieved over the quotidian experience of the labour process:

"Demands that relate to the pace and intensity of work are precisely those which, to date, have remained almost totally beyond the scope of unions' agenda… leaving 'point of production' issues (other than bonuses) almost entirely at managements' discretion. In short this managerial carte blanche has led to an intensification of work, generating a host of grievances. With many operators increasingly looking to their collective organizations for resolution of grievances and relief from work pressures, the onus has been placed on the unions to rethink their previous neglect of issues associated with work organization and the labour process" (2001: 62)

Earlier in the chapter, a critique was presented of Marxist conception of workers' interests as pertaining to an abstract, fundamental level of analysis. Similarly Kelly's (1998) prescription that union organising requires more of the same- more militancy, more organising, and more leadership- rather than reconstructing the agenda that relies on a bygone era in which there was a more automatic, 'mechanical solidarity' of mass trade unionism (Hyman 1998). Marx imagined that universal class (the unity of labour, based on the objective commonality of interests) would inevitably lead to workers' subjective consciousness of their common identity and historical mission (Hyman 1998: 2). The increasing inefficacy of defensive and particularistic struggles would persuade workers of the need to organize comprehensively toward the transformation of society. But, this supposed a conflation of:

"The abstract (the structural relationship between wage-labour and capital) and the concrete (the circumstances of existing workers and their relations among themselves and

with actually existing employers, among others)… The conceptual and practical linkage between 'objective' class and 'subjective' consciousness is moreover inadequately theorised." (Hyman 1998: 2)

It is through attention to the changing nature of 'exploitation' and its experience that we may make sense of demands made within various forms of opposition. This is important to unions in order to equip themselves with campaigns that resonate with workers. By focusing on contradictions in the changing experience of work "trade unions have the potential to address current worker experiences and permit new forms of solidarity in the pursuit of *genuine* empowerment" (Hyman 1998: 15). Hyman stresses that in their formulations of workers' discontents, unions must re-claim concepts from capital, such as flexibility, employability and opportunity that have been "hijacked as part of the new managerialism" (1998: 14) and used to fragment worker opposition. "Unions must scrutinize the concepts which have inspired the offensive of employers and the political right and attempt to reclaim these for different purposes" (1999: 4). Collectivism is "a project demanding new forms of strategic imagination" (1998: 1). If organised labour is currently failing to galvanise worker discontent over these issues, it may be that they are being expressed in individualised formulations.

As noted in chapter two, labour process studies of resistance and misbehaviour have continued to find novel means of opposition to evolving managerial control forms and types of work. However, formally organised resistance has been limited, and union agendas have failed to articulate and encapsulate point of production issues. If these developments have not been prominently featured in collective expressions of discontent, what then of grievances? A growing body of research, as well as what limited data there is on the categories of grievance expression, point towards the rising resonance of 'bullying' as a "solar collector of resentments" (McCarthy and Mayhew 2003: xv). At the same time as an apparent crisis of trade unionism was manifesting itself, 'bullying' in the workplace was coming to be seen as a serious problem. However, it is only in the last few years that IR and LPA have cast a critical eye over this development. Understanding how bullying manifests in grievance expressions is the culmination of the preceding two chapters, reflecting important aspects of both change and continuity in employment relations, and concomitant shifts in both the *form* and *formulation* of conflict. 'Bullying' as a grievance category seems to express an individualised formulation of the collective experience of the contemporary

workplace. The following section traces the development of the workplace bullying literature and its gradual linkage to questions about the nature of the employment relationship, and the formulation of discontent arising from it.

3.7 'Bullying' and Grievance Formulations

From early Scandinavian studies, a body of literature has quickly grown up around workplace bullying as a contributor to a negative work environment, ill-health and dissatisfaction (Beale and Hoel 2010 for a review). One of the earlier UK studies found that over half of workers say that they have been bullied at some point in their working lives (Raynor and Cooper 1997: 212). From coverage in the media, 'bullying' as something that can happen to adults, and can happen in the workplace, 'struck a cord', quickly attracting the attention of trade unions, academics and inspiring new support and campaigning groups (c.f. Lee 2000 who charts coverage of the issue in the UK). Whilst surveys tend to find that the perception of bullying is much more widespread than formal complaints of it, bullying and harassment have come to increasingly dominate grievance expressions, as reported by HR and line managers by the late 1990s and early 2000s (IRS 2010), though data on grievances in the workplace is regrettably sparse. Most research on workplace bullying has been from a psychological perspective that emphasises its interpersonal nature, focusing upon the behaviours and attributes of bullies and victims, with organisational factors and power relations merely as a backdrop (Hutchinson 2012: 638). Recently however, the term has attracted the attention of scholars of work and employment and there have been attempts to consider its relevance to IR and the changing nature of work.

Studies began to uncover that bullying is usually something managers do to those they manage. Raynor and Cooper (1997: 212) found that the perpetrators are usually line- (41%), or senior-managers (30%). Furthermore, 'bullying' is increasingly seen as being related to many of the changes described above: precarious employment, heavier workloads, organisational restructuring, downsizing and increasing managerial prerogative, particularly at line-manager level (Hutchinson 2012: 638). Reports of bullying are not limited to the private sector but are increasingly common, and by some estimates *more* prevalent in the public sector where workers are more likely to report it and raise grievances (Zapf et al

2003). The dramatic organisational change, restructuring and retrenchment of public services seen over the last few decades, are likely to have contributed towards a "corrosive managerial culture" (Thornton 2004). This may have presented a culture shock, though workers still retain a degree of confidence in grievance procedures to offer a fair hearing.

'Bullying' appears to mean everything and nothing and it can be difficult to pin-down a definition (Hutchinson 2012: 644). Thus, the meaning of the increasing prevalence of bullying as the formulation in which grievances are expressed is something that requires to be carefully deciphered- where are claims of bullying prevalent, what does it mean in different contexts, how is it used by different actors? Hutchinson (2012) interviewed policy makers, employee representatives and senior managers about the issue of workplace bullying, and how they viewed anti-bullying polices. She found a number of meanings, demonstrating that bullying is a multi-dimensional concept. In addition to specific acts by line-managers, organisations were seen to 'bully' through the general pressure and stress they put workers under, where normative values elevated profit or efficiency over quality and the 'human' aspects of work, such as team-working. There was a perceived link between work intensification, job insecurity and bullying. The way in which bullying was seen as an organizational factor could be problematic for addressing it, as whilst blaming individual managers has "the effect of absolving the organization from any responsibility" (*ibid*: 645), blaming the organization or department as the bully rarely leads to meaningful interventions to change. McCarthy (2003: 231) has promoted the possibility of a 'post-modern' approach to understanding bullying that highlights definitions of actors, which seems to boil down to an emphasis on discourse. What is important for present purposes is the way in which 'bullying' is not itself a concrete set of actions or occurrence, but largely a label contingently applied to an amalgam, and often an accumulation of negative experiences. Thus, a set of disparate discontents (e.g. a lack of recognition, a high workload, an overly harsh reprimand for an error) rather than a singularity translated into the one label of 'bullying'.

Yet, there is a danger that the term bullying becomes stretched out of shape and becomes meaningless- applying to any and every discontent and thus:

"No one's going to take it seriously… Oh you know, 'I'm stressed', 'I've been made redundant'. Can you imagine the bloody chaos? There's no way I could deal with those complaints." (Policy implementer cited in Hutchinson 2012: 646)

Fevre et al (2012) argue that because of the wooliness of the concept of workplace bullying, it should be dispensed with, offering more precise terms for various forms of 'ill-treatment' at work. Bullying remains individualised as a problem despite evidence of systematic underpinnings in how organisations are run. Fevre et al "do not find modifications to the concept like 'organisational bullying'… to be sufficient conceptual repairs and think it is more constructive to go back to the drawing board" (*ibid*: 22). Based on a large-scale survey and case-study evidence, they categorise forms of ill-treatment into three main types: unreasonable treatment (e.g. relating to workloads, withheld information, being put under undue pressure), incivility (impolite and disrespectful treatment) and physical violence. They conclude that 'unreasonable treatment', usually perpetrated by management, is the main form of ill-treatment employees experience in the workplace.

The attempt to provide more precise categorisation of bullying is to be applauded, but Fevre et al give little sense of the nature of the employment relationship as one of structured antagonism and lay great faith in employers to prevent ill-treatment if only they could secure 'buy-in' from line-managers. Their consideration of the impact of workplace unionism is also glib at best, arguing that it does not prevent ill-treatment, without considering varying degrees of worker organisation and power. Drawing upon core labour process theory, 'bullying' by management can be viewed as a product of capitalism (Ironside and Seifert 2003), although not *all* bullying in the workplace is necessarily related to it (Beale 2011: 297). Bullying by supervisors, co-worker infighting and worker-customer conflicts are all related to "organisational chaos," meaning a high level of uncertainty, insecurity and constant restructuring, whereas sexual harassment is not (Roscigno and Hodson 2009). These associations suggest that the former have systematic underpinnings whereas harassment of a sexual nature tends not to exhibit the same degree of organisation, hence 'bullying' is endemic to capitalism whereas harassment of a sexual nature is not necessarily.

Beale and Hoel (2011) root their conceptualisation of bullying in the conflictual nature of the employment relationship, the indeterminacy of labour, and the control imperative to explain why it is persistent and attempts to eradicate it problematic. These authors have posed questions about the ends bullying is put to, focusing on the perpetrators of attacks and the nature of conflicts around which bullying behaviours emerge, considering that it can drive key managerial objectives such as restructuring, shedding labour, 'performance

management' or work intensification more generally (*ibid* :6-10). Bullying may be conceived of as a tool of control, meaning that management may benefit from it and whilst it does not always emerge, its threat "may be seen as the big stick often held in reserve" (Beale and Hoel 2011: 9). The significance of this argument is that whilst the growth of 'dignity at work' and anti-bullying policies championed by unions, government and many employers assumes employers' ability and interest in eradicating bullying, bullying may actually align with managerial objectives (*ibid*: 7). Bullying is then the 'dark side to the managerial control function' (Zapf and Einarsen 2001), and policies aimed at preventing it may be contradictory if not completely hollow. Ironside and Seifert (2003) see 'bullying' as driven by the broader political economy, translating into "oppressive workplace regimes" where unchecked by countervailing powers (Hoel and Beale 2006).

Raynor and Cooper nevertheless suggest some ways in which bullying may be costly to employers:

"Those employers who gain a reputation for "tough management" (for example The Mirror Group during Maxwell's reign) may find that not everyone is attracted to working for them, and recruitment may become an issue. For those in sectors where people are a source of competitive advantage, workplace bullying may cost a great deal." (1997:214)

Yet, as working harder, coping with high levels of stress and insecurity have been normalized, and unilateral management decision-making becomes more commonplace, it is doubtful that workers expect anything far-off 'tough management' and that this would really act as a major 'turn-off' to prospective talent.

Lewis and Raynor (2003) consider that many anti-bullying policies may be largely "anti-litigation devices" for organisations to point to in the event of a tribunal claim. Furthermore, Beale and Hoel (2011) also link their work to that of Pollert (2005) who found that managements in non-union settings tended to 'close-ranks' in handling grievances and supported bullying managers suggesting that this formulation of discontent may be difficult to win, if not 'career-suicide' as may be the case in workplaces where conflict is highly de-legitimised (c.f. Teague and Doherty 2011).

The questions begs, do rising *reports* of bullying reflect a qualitatively new phenomenon or simply a new name for an old problem (Lee 2000). There is no simple answer, as Beale notes:

"It is difficult to establish with confidence, on the basis of existing research and in light of the short history of workplace bullying as a distinct subject of study, whether there actually has been a significant increase in workplace bullying and harassment over the last 30 years in Britain, but certainly there are grounds to suspect this, and serious concern about the issue by trade unions, employers, government, and nongovernmental organisational (NGOs) has clearly emerged over the last 10 years of so." (2011: 291)

Ironside and Seifert (2003) trace bullying back to the 19th century experiences of the emerging working class. Indeed, the bullying of the foreman, a core theme in Tressell's (1914) *Ragged Trousered Philanthropists*, is just as resonant today, despite the passing of a century since it was published. Bullying and "petty tyranny" also appear in Goodrich's (1920: 30) *Frontier of Control,* as one means by which management controls workers.

Lee (2000: 599) suggests that the rise of the 'bullying' discourse *has* provided an "established language" to legitimise grievances of this sort. It would also seem likely that evolving general societal discourses, the feminization and ethnic diversification of the workforce, movements for civil rights, health and safety and 'political correctness' all have a hand to play in the resonance of 'bullying' as a formulation, and 'dignity at work' as an assertion. There has always been resistance to oppressive, brutish management, but codes of acceptable behaviour look to have become more formalised. Rising recognition of bullying over the last decade or two suggest that the label may have a new salience, reflecting the changing nature of work rather than simply a new interpretation (Lee 2000: 599). It is likely that the decline of organised labour and the concomitant forces of international competition, globalisation, and general breakdown of the post-war social settlement, the increasing sway of managerial prerogative combined with crises of profitability all "have a very direct bearing on management's propensity to bully workers" (Beale 2011: 295).

Thus, the rise in the resonance of 'bullying' is perhaps best described as a new expression of an old problem, reflecting new permutations of work and employment relations and the way in which they are experienced. The issue of whether bullying represents a new problem mirrors the main theme of the chapter, namely degrees of change, continuity and levels of analysis. In the abstract, workplace bullying *is* a 'new name for an old problem', that is fundamental to the employment relationship under capitalism, but it also relates to

new concrete aspects of the nature of work and employment and their political-economic context.

Research has begun to contextualise workplace bullying but has yet to give serious consideration to the implications of Ironside and Siefert's (2003) proposition that bullying is endemic to capitalism and that the marginalisation of trade unions has allowed it to proliferate. Beale (2011: 291) also points out that whilst Ironside and Seifert attend to trade union responses to the issue of bullying, there has been little attendance to micro-level processes and individual agency. Again, Kelly's (1998) mobilization theory is looked to in order to assist with another problem of theoretical connectivity, this time within the literature on workplace bullying where there are gaps between a collectivist, structural approach and an individualistic, social-psychological approach. Beale (2011) argues that there is much room for further contributions from both IR and LPA on how workers experience work and the extent to which they perceive 'bullying' and respond to it with regard to individual and collective agency (an endeavour that would require greater connectivity between these spheres as discussed in the preceding chapter). At present it appears that the public issue of workplace 'bullying' is mostly treated as an atomised pack of 'personal troubles', the problem of individuals who fail to cope with the pressures of the contemporary workplace (c.f. Mills 1959/2000).

Whilst the concept of bullying may resonate with workers, it may serve to further individualise 'victims'. "The very concept of workplace bullying… readily lends itself to individual complaint" (Lee 2000: 601). Unions are campaigning collectively on the issue, but the extent of reports of bullying suggest a public issue that remains largely unaddressed. The underlying collective issue is still not fully established in the IR "lexicon" (*ibid*: 602). Unions decry it, and most work organisations have policies on it, but if it is engrained in capitalism, and particularly the neo-liberal variant, it will not be addressed without a considerable re-balancing of power between labour and capital. 'Bullying' as a focus of contestation might even be said to be a particular product of Neo-Liberalism, chiming with the value of the 'freedom of the individual' as dignity which is threatened. As Harvey notes, whilst Neo-liberalism has "spawned with itself an extensive oppositional culture," it tends to remain on Neo-liberal terms, using the same language of individual rights and freedoms which "trumps any social democratic concern for equality, democracy and social

solidarities" and neo-liberal preference for judicial appeal rather than parliamentary powers (2005: 175-6).

There is a need for more research into workplace bullying that examines not only how it emerges and is experienced, but also the extent to which it is contested individually and collectively and how this varies across different workplace regimes. In particular, at what point and through what means is the label 'bullying' attached, and under what circumstances is this expressed in grievances. Furthermore, if it is a tool of managerial control, to what degree are unions successful at pushing back against it.

3.8 Conclusion

The study is concerned with those aspects of work and employment that workers raise in grievances expressions. The introductory chapter argued that the 'problem' with individual disputes must be viewed in the wider context of the organisation of workplace discontent, including trade union organisation as well as the workplace under-life where consent and resistance are negotiated on a daily basis. It starts from a basis of "structured antagonism" (Edwards 1986, 1990), employment relations involve a contradictory blend of conflict and consent in which we tend to work harder than we like, longer than we like, at tasks not of our own design (Harbison 1954: 278). However, the appearance, precise *form* and *content* of conflict expressions are contingent upon the nature of *workplace regimes.* For management there is a basic control imperative that stems from the uncertainty of their purchase of labour power from which they need to secure a profit (Thompson 1990). These conflict with workers interests in securing and maximising an equitable effort-reward bargain. Despite radical changes to the organisation and regulation of work and the form of conflict, these central conflicts have not been ameliorated (Edwards 1992). Distrust in management has if anything grown (Kelly 1998), with workers taking an increasingly cynical stance towards managerial proclamations of mutual interest and sophisticated practices of HRM (Ackroyd and Thompson 1999). Whilst the changing nature of work is complex, the clear trend over the last two to three decades is that we are working *harder* (Green 2006), with less autonomy (Felstead et al 2007), and 60% of employees feel tense, worried or uneasy because of their jobs at least some of the time[16] (van Wanrooy et al 2013: 129).

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[16] This is a new measure for WERS and there is not comparable data for 2004.

From this view-point, changing forms of conflict expressions do not augur that such conflict has either been resolved, or that the individualisation of expression equates to increasing societal individualism. Antagonisms may be expressed in many forms and the social meaning and significance of one form may be different in another (Edwards 1986, 1992). Changing modes of conflict expression and union decline have been driven by counter-mobilisation (Kelly 1998)- the active 'de-collectivisation' by the state and managements (Smith and Morton 1993, 2001).

The contribution made in this thesis is to examine the notion of 'method displacement' (Gall and Hebdon 2008) tracing how the suppression of collectivism has led to a reconfiguration of conflict. In workplaces devoid of collective organisation, grievance expressions have become the means of expressing discontents they cannot be expected to resolve. They are formulated as multiple personal troubles that are rightly public issues (Mills 1959/2000). 'Bullying' in particular looks to have become imbued with many variegated discontents that arise from working in the contemporary workplace. However, tracing this development is analytically tricky as different routes of expression involve different formulation processes, resulting in different categories – thus we cannot simply compare the meaning of strikes and tribunal claims, as this is not a comparison of like with like. Alternative avenues of expression involve similar though distinct processes of selective articulation, drawing on narrow and abstracted features of the complaints. There is a rich tradition of studies demonstrating how the causes and demands of strikes foment (c.f. Batstone et al 1977, Karsh 1959), with interests being redefined in the process of collectivisation (Offe and Wiesenthal 1985), but individual disputes have similar, episodic stages of development (Bouwen and Salipante 1990, Salipante and Bouwen 1990).

The processes of formulating grievances raised by individuals are much more poorly understood but individual dispute procedures have their own sanctioned formats, acceptable vocabularies and strictures that shape conflict expressions. Thus, collective claims are aggregated from variegated discontents and as unions decline, we would expect the individualisation of expressions to show a *refraction* in the issues expressed into disaggregated formulations- shaped by the strictures of grievance procedures, individual rights and legal protections rather than unifying collective interests and collective bargaining apparatus. However, the processes by which workers construct grievances

raised on an individual basis has been ignored and grievances given a "misplaced concreteness" (Fortardo 1992: 301).

This reflects a general problem in classifications of 'conflict' that have been fixated with form (Bélanger and Thuderoz 2010), which then becomes short-hand for a bundle of assumed properties. Absenteeism or vandalism for example, are frequently lumped into a set of resistive practices, but may reflect boredom as much as oppositional sentiment, and may vary in degrees of strategic direction (Edwards 1986: 72-4). Similarly, grievances do not have a universal character, but may vary from gentle questioning to serious challenging of management. By examining how grievance expressions are formulated we can better understand what displacement towards this mode of expression means where it occurs.

Appreciating formulation requires attention to the sources of discontent that inform expressions- a concern with LPA, where a parallel stream of research considers the reconfiguration of discontent in relation to evolving managerial regimes and forms of work. This study seeks to build conceptual linkages between resistance at the point of production and formal action and mobilisation, spheres between which there has been too little connectivity (Thompson and Newsome 2004)- in depth study of the formulation of grievances is a useful lens to peer into such phenomena.

Deciphering 'method displacement' requires tracing shifts in the form and *formulations* of conflict, as shaped by different mediums of expression as well as changes to the nature of work and managerial regimes, and thus the specific sources of discontent over the last four decades. The preceding chapter dealt with the changing forms of expression and the parameters around, whereas this chapters' focus has been *what is formulated*- the referents of conflict expressions, the bases of discontent. There has been a dramatic shift in pattern of disputes, from collective to individual expressions. It was argued that whilst this can be understood relating to 'method displacement' (Gall and Hebdon 2008) as unions have been marginalised, more research and careful conceptualisation is required to examine supposedly displaced methods of expression, particularly grievances which underlie the more formal indicators of conflict, i.e. strikes and tribunals. Whilst data are sparse, 'bullying' appears to have become more a prominent formulation of grievances (IRS 2010, Suff 2011). This chapter sought to explore what is known about how far the bases of conflict have shifted at the same time as the forms of expression to better trace and decipher whether declining collective and rising individual disputes reflect the same causes.

The picture of change and continuity in the nature of work is complex. However, the clearest trend is of increasingly *demanding* work, to use Green's (2006) phrase. Work strain and insecurity have continued to rise despite fluctuating economic conditions since the late 1980s. This may have something to do with the way in which organisations have become nimbler in shedding labour. Buoyant economic times no longer guarantee secure employment and as a follow on, people accept greater hardships from the jobs they are in. Redundancies announced in good times as well as bad are considered legitimate 'business decisions', advances in information and communication technologies making ever more detailed monitoring of individual worker performance a possibility, and managements have become more sophisticated (perhaps in response to employment rights) in their use of 'tight' performance management.

Several crises of trade unionism have been noted, which relate in part to adjusting to the changing nature of work in addition to political-economic developments. The disaggregation of the working class, associated with shifts in the occupational structure, the diversification of the workforce, of workplaces and employment arrangements and aspects of the changing nature of work make it difficult for unions to make meaningful campaigns with solidaristic appeal. As Hyman (1999) argues, the Neo-Liberal spin upon intense and stressful work as somehow worthy and appealing (and not something about which to legitimately complain) have proven strangely effective. Furthermore, unions have continued to focus on pay in their disputes, and more rarely address point of production issues. It may be that most unions do not have the power to mount a serious challenge for greater degrees of worker control (Goodrich 1920), but they may be failing to represent workers' concerns with the changing nature of work and the effort side of the bargain.

The chapter has dealt at a high level in broad, aggregate trends in the nature of work and job quality and has not gone into too much detail about variations in sectors or types of workplace. In part this is because little is known about how far such egregious aspects of work inform grievance expressions in different workplace regimes. Rather, the aim of the chapter was to give a sense of what could be expected to feed into workers' grievance expressions, leaving the empirical component of the thesis to examine how workers formulate their discontents and how this relates to the nature of the workplace regime. It is projected that regimes in which workers have a greater degree of control, there will be a baseline of fairness so that grievance expressions that do arise relate to fairly discrete

elements of the work and employment, referential of collective agreements. Where unions are present and well organised, many issues are aggregated so that underlying issues if not resolved are at least acknowledged. It has been suggested in this chapter, that in absence of collective organisation, the growing resonance of 'bullying' is in least part attributable to the increasingly unbridled exercise of managerial prerogative that leads to such accumulative discontents, combined with the particular direction the nature of work has taken, towards more demanding work.

The experience of 'bullying' is widespread (UNISON 1997), but in some workplaces more than others this experience gives rise to grievances of this nature. It would seem likely and plausible that this afflicts workplaces without collective organisation more so. As trade unions have declined, formal expressions of conflict at work have shifted from the aggregated pay claims of collective workers (the reward side of the bargain, requiring power to press for) towards a more defensive mode of individual grievances over 'bullying' as a means of mitigating the worst excesses of working in the Neo-liberal workplace (a kick-back against a mostly unrewarded increase of the effort side of the bargain). The thesis is concerned with exploring that likelihood in greater depth. The analytical strategy for better deciphering the reconfiguration of conflict has been presented- what is raised in grievance expressions is used as a lens to examine the nature of discontent, how it is articulated and how this been reconfigured in changing workplace regimes- most centrally, in changing degrees of worker organisation? As a form grievances have rarely been studied, but it allows an interesting vantage point to peer beneath the supposed 'epidemic' of individual disputes that culminate in tribunal claims and how conflict has been displaced over the last four decades. The next chapter presents the research design used and goes into great depth upon how the objects of study are conceptualised.

Thus aligning these gaps in understanding, this problematic informed the following research question:

How do grievance expressions and their processes of formulation vary in different workplace regimes?

This overarching concern is articulated into four sub-questions:

1. What are the main sources of discontent in the contemporary workplace?

2. How and why do grievances come to be formulated into particular categories of expression?

3. How and why does discontent come to be expressed in grievances rather than other, alternative trajectories of expression?

4. How do contextual factors (i.e. workplace relations, the nature of managerial regimes, of collective worker organisation and the frontier of control between them) impact the trajectory and formulation of discontent?

The answer to these questions allow documentation of the nature of grievances arising in the workplace (an understudied phenomenon), but by attending to their processes of formulation, and the manner in which they are organised, this new knowledge will assist with understanding the way in which conflict at work has been reorganised, the extent to which we have witnessed a period of method displacement, and thus the extent to which rising individual and declining collective expressions of conflict reflect the same causes.

Chapter Four:

Methodology

4.1 Introduction

This is a study of the nature of workplace discontent, the extent to which this is expressed in grievances and how this varies across different workplace regimes, with grievances providing a window into the reconfiguration of conflict. Deciphering grievance expressions and their processes of formulation requires qualitative, contextually-rich analysis of the grievances and their social organisation: the extent to which they express existing tensions within the workplace, the experience of raising a grievance, the range of discontents and grumbles and those that were raised as grievances as well as those that were expressed (or not) through other (particularly collective means), and the processes through which grievances were constructed and shaped. These concerns and the appropriate form of data required will be expanded below in relation to two different phases of the research that were undertaken. Firstly, the chapter discusses the ontological and epistemological foundations of the thesis. The object of inquiry is presented in realist terms, justifying the research design utilised. Two phases of research are described. A first, extensive phase looks at grievance expressions arising in multiple workplaces, accessed through an employment rights centre. The chapter then outlines case-studies used to compare grievance expressions more holistically within their workplace settings, dealing with the particular methods employed within cases at this juncture. Finally, the chapter outlines the procedures used for analysing the data, ethical considerations and the limitations and boundaries of the research.

4.2 Critical Realism

If there is such a thing as a research paradigm within which researchers of employment relations predominantly work, it can be seen as approximating critical realism (Sisson 2010). 'CR', has been for some time the tacit paradigm (Edwards 2005, 2006: 5) in which most researchers in IR and LPA operate, though only quite recently been opened to explicit

discussion, as Bhaskar (1979) Archer (1995, 1998, 2003) Sayer (1995, 2000) and other key critical realist authors have filtered through from social science disciplines into the field[17]. More explicit recognition of CR as an 'under-labourer' in theorising is increasingly advocated to sharpen research contributions (Taylor and Bain 2004, Edwards 2005, 2006, Thompson and Vincent 2010).

Critical realists posit a reality external to its knower, whilst respecting that knowledge of it is problematic. There are *transitive* and *intransitive* objects of science, and as researchers we study actors' (transitive) ideas of reality in order to understand the deeper (intransitive) objects which account for causal relationships in open social systems. Realists approach explanation with regard to a stratified ontology positing the existence of 'real', underlying mechanisms, that may (or may not) be activated, producing manifest ('actual') outcomes, some of which are empirically observed (Danermark et al 2002). Agents continually produce and reproduce structures, that once constructed, act to constrain further action. Causal mechanisms are essentially "collections of powers" (Thompson and Vincent 2010: 52). Actors have inherent causal powers to enact their projects, but they may be mistaken in how they go about this, as social structures also have causal consequences (Sayer 1992, 2000, Elger 2009). That there is a reality external to the knower is evidenced because we receive 'feedback'. If reality was entirely of our own construction we would people it with friends and find we get our own way, rather than "crashing into things" (Sayer 2000: 2). Structure is ontologically prior to agency. Structure "necessarily predates actions which transform it and [that] structural elaboration necessarily post-dates these actions" (Archer 1998: 202).

Archer conceptualises agents' 'internal conversations' about cause and effects and their appreciation of constraints and enablement (their reflexive deliberations) as "the modality through which reflexivity towards self, society and the relationship between them is exercised" (2003: 9). Subsequent action based upon these deliberations may lead to either structural elaboration (morphogenesis) or reproduction (morphostasis) (*ibid* 1995: 157). Hence, social structure is the product of our actions, but also beyond our control (Burawoy 1979: 93). We do not straightforwardly construct our own experience, but construct it in response to objects which have an external status.

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[17] It is interesting to observe how this has shaken-up the field, further fracturing labour process analysts and critical management studies largely along meta-theoretical lines (c.f. Thompson and Vincent 2010).

People understand by and large why they do the things they do, but are never entirely knowledgeable of the complete set of structural conditions which contribute to action, nor do they see the all the consequences of their action, and in this, they tend to emphasise the primacy of their own reasoning (Giddens 1984). Both lay and social scientific knowledge are fallible and deliberate social constructions may fail or succeed only partially. Actors' reasons may be 'causes' (Bhaskar 1979), but as Sayer argues, we normally find that 'folk theories' are not fully adequate explanations, and so in studying 'popular consciousness' we typically "become aware of its illusions" and partiality (1992: 39). If folk theories were all there were, social research would be redundant (Danermark et al 2002:36). This fallibility leads realists to critically evaluate respondents' accounts (Elger 2009, Pawson 1996, Pawson and Tilley 1997). Actor accounts offer *clues* about generative mechanisms, but realists try to avoid "one of the limits of qualitative methods, a tendency to take a given objective change and to assemble from workers' accounts a collective portrait of reactions" (Edwards 1995: 51).

Causal accounts are pursued in a contextually-sensitive manner, without "law-seeking" nor "relativism" (Sayer 2000: 2-3). This approach gives grounding to the instincts of many IR researchers that shy away from both positivism and interpretivism (Edwards 2005: 269-70), which over and under-powered explanation, and overemphasise structure or agency respectively. CR assists thinking about "different levels of causal powers and about the kind of arguments they wish to address" (*ibid*: 270). Social-scientific, as lay knowledge is fallible and revisable and realists express a pragmatism in comparing explanations. One *version* of a social situation can be better than another, something that can be problematic for social constructioninism. In addition to being more or less accurate, depictions of social structures can be more or less useful in identifying levers that actors may seek to use to drive changes in society, providing *guides to action.* Like maps, explanations often provide crude simplifications, which may be improved over time, and are still more or less useful guides to the landscape (Ackroyd 2010: 51). The complexity of open social systems means that the key task for research is to isolate causal mechanisms through examining examples in which conditional factors can be understood if not 'controlled' (Sayer 2000: 16), carefully contextualising actors' accounts. Causal influences tend to come in "'bundles' that have to be treated as wholes," *in situ* (Edwards 2006a: 15), avoiding "decontextualizing" data from temporal sequencing and actors' understandings (Elger 2009). For this reason, intensive case-study research is widely adopted by realists.

4.3 Research Design: a Realist Perspective

Realists espouse methodological pluralism, appropriating both qualitative and quantitative methods, avoiding the false dichotomy that sometimes appears between such approaches (Bryman 2004), as both are appropriate for particular endeavours. Realists prefer to talk of *extensive* and *intensive* research designs. Extensive research studies how commonly particular phenomena occur, whilst intensive study is required to uncover how and why particular mechanisms produce certain outcomes from detailed contextualisation of the phenomena of interest. The requirement to study mechanisms in context in order to provide satisfactory casual explanation- the *how* and *why* questions posed in research, makes intensive case-studies the preferred research design. Comparative designs are particularly revered, as facilitating the study of how different configurations of mechanisms and contexts interact, providing greater confidence that the researcher has understood the way posited mechanisms operate and the range of variation they may display (Elger 2009, Ackroyd 2009, 2010, Edwards 2005).

The case-study is sometimes described as a 'method', but it is more precisely thought of as a research design, which may utilise many methods and forms of data, in particular, intensive study of complex social situations (Kitay and Callus 1998: 104). The case-study allows the researcher to: "engage immediately with social processes" (Vernon 2000: 23), retaining "the holistic and meaningful characteristics of real-life events" (Yin 2009: 4), and is adept at addressing "motives, power relations, or processes that involve understanding of complex social interactions" (Kitay and Callus 1998: 104). Multiple methods can be utilised to illuminate different aspects of phenomena (Elger 2009). For this study, as with much research in this field, the workplace level provides a natural unit of analysis or contextual-'binding'. However, the research design remains attentive to the 'multiple-embededness' of the object of study and the need for multi-layered explanation (Thompson and Vincent 2010).

4.4 The Workplace Binding

Social events are bound up with different layers of social reality and hence so must accounts of them be (Pawson 1996: 301). In conducting case-studies, we cordon-off a manageable area on which to focus our enquiries that appreciate mechanisms in context

whilst treating context "as point of departure but not of conclusion" (Burawoy 1998: 13). Thus, *the workplace* is a clear boundary, containing a limited membership of people that has a set of formal roles and reasonably predictable interrelations among inhabitants (Ackroyd 2010: 64). It defines a meaningful focal context (Elger 2009), binding a configuration of power relations, an aggregate configuration of oppositional patterns. In studying conflict, "a shopfloor perspective seems especially pertinent" (Edwards 1992: 392); "the natural starting point for considering how, and why, workers contest" (Roscigno and Hodson 2004: 15). Social forces external to this context are necessarily treated as reified in order to define manageable boundaries around a case (Burawoy 1998), whilst retaining the permeability of that boundary (Edwards 2005). It is a "relative bounding," meaning that it is not viewed in isolation from external pressures (Elger 2009). The workplace is "embedded in, and influenced by, wider sets of relations- especially those constituting the economy and society" (Ackroyd 2009: 5). The study is concerned with the working through of structural forces which impact contingently across different contexts (figure 4), "locating social processes at the research site in a relation of mutual determination with an external field of social forces" (Burawoy 1998: 20). Recent scholarship in work and employment has been scathing of an overemphasis on workplace case-studies at the expense of theorising generalizable cause and effect relationships. More solidly linking "workplace experiences to other levels of change" (Edwards 2005: 275) is seen as necessary to the development and even survival of the field. Sisson (2010: 20) calls for multi-level perspectives in which "attention [is] focused on the interaction between the levels and the forces driving the relationship between them."

Critical realism is "not a substitute for specific theorisation," but a "powerful heuristic" (Thompson and Vincent 2010: 47), with careful conceptualisation and abstraction being prioritised (Sayer 2000: 27). Conceptual clarity is brought to divergent findings, enabling the researcher to think of different levels of causal powers in relation to the type of explanation they wish to make (Edwards 2005: 270). The emphasis upon "multiple-embeddedness" (*ibid*) seeks to avoid a myopia that is evident in much workplace research that does not trace the working through of structural forces or relate workplace experience to its political-economic context. Of particular note is a lack of attendance to connections in terms of mobilisation of resistance at the point of production and wider socio-political action in articulating public issues affecting workers as personal troubles (Thompson and Newsome 2004, Thompson and Vincent 2010). In order to sufficiently study these

processes, a design was required that was capable of providing a rich context in which the working through of structural forces and agential formulations of the situation could be located. Furthermore, as an aim of the study was to elaborate upon the nature of the posited mechanisms and the range of variation they would display under various conditions, a comparative element was necessary. The object of enquiry is diagrammatically presented below to represent a stratified account.

Figure 4 Trajectories of Formation and Formulation
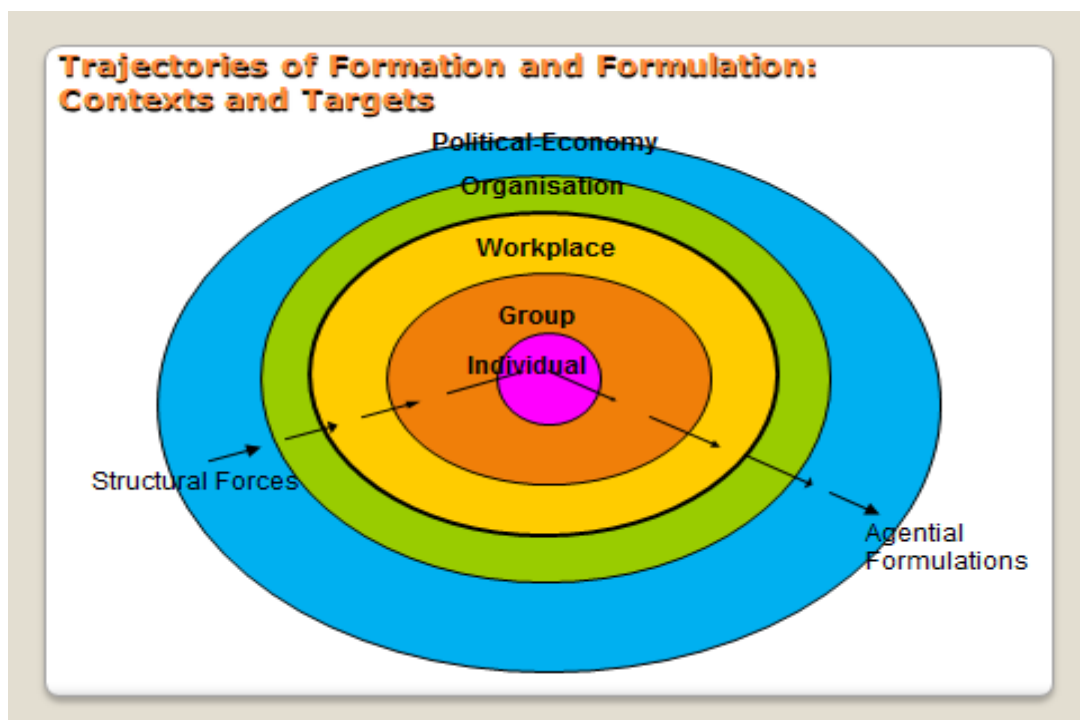
The subject matter of grievance expressions as contingent trajectories needs to be contextualised within their workplace settings- particularly on-going relationships within the workplace and the interrelations between forms of opposition and formal organisation, but also in relation to wider forces in the broader organisational, sectoral and political-economic contexts in which they are situated (c.f. Edwards et al 1995: 289-90). Drawing upon the stratified ontological model of reality illuminates the "working through of structural forces" (Edwards 1990: 129). The 'objective' nature of work and employment relations (hazards and inequalities that exist, whether or not workers are aware of them) in

a setting are the outcome of many different mechanisms, counter-mechanisms, including actors as 'mechanisms' with inherent powers (c.f. Archer 2003). Actors conduct inner dialogues with varying degrees of knowledgeability about cause and effects in their lives and constraints and enablements for courses of action. Making sense of experience, individuals engage in internal conversations as well as dialogue with others (Salipante and Bouwen 1990, Bouwen and Salipante 1990) regarding the "real or imagined potentials of various causal forces" (Thompson and Vincent 2010: 64)- naming problems, apportioning blame, proposing remedies. My concern is with how people make sense of problems they encounter at work and how they go about attempting to resolve them, a central part of which is their own explanations of causal powers at play- the extent to which people experience 'troubles' as structural or personal (Mills 1959/2000), and how they seek to act in relation to them. In terms of their understanding of their situation in the world, individuals may only focus on 'parts of the whole' (*relational* structure) albeit greater or lesser parts, or a couple of (disparate) parts of the whole (Elder-Vass 2006: 100, 2007b). Thus, an individual may be aggrieved about their performance appraisal at work. They may or may not then attach progressively abstracted, 'politicised' attributions to the causes of this problem, as an instance typical of their managers' behaviour, or as part of the culture of the workplace, a bullying organisational regime, or some notion of the nature of contemporary capitalism. In relation to these causal attributions, we may act to address causes at various levels.

There is a grain of truth in the adage that some people, 'create their own problems'. As reflexive agents, people conceive of and package what they see as the causes of problems they face, but whilst they *formulate* their grievances, they do not create the structural formations to which they refer- these exist and occur (causing them problems) irrespective of their knowledge of the mechanisms at work. Some of the organizational behaviour literature refers to such perceived hardships as 'grievable events' (Bemmels and Foley 1996). However, people may act in ways other than grievance expression in relation to discontents. *Structural formation* and *agential formulation* describe two related, but analytically distinct processes that mirror the construction and construal of objects, events and structures causing discontent or conflict at work. Processes of construal (agential formulations) relate to actors' subjective interpretations of employment problems and the sphere to which blame is apportioned. Processes of construction (structural formation) relate to the 'objective' working through of structural forces that lead to objective conflicts

and tensions experienced in peoples working lives that people may experience as discontent and may complain of, and act against in some manner. Structural formation is ontologically prior, and is the sphere of the 'raw material' of discontent, the expression of which in form and formulation is contingent. This distinction between material referents and the way they are described relates to the transitive and intransitive objects of the social world. Workers experience external realities which they appreciate through their interpretative schema, and seek in concert with others to understand; under certain conditions discontent arising from such realities are formulated into grievances. By implication, transitive formulations can be more or less adequate representations of reality and so, grievants' accounts of their micro-worlds are read with a critical eye. The researcher may also 'extend-out' (Burawoy 1998) from workplace case-studies to consider the forces that contingently operate to reconfigure conflict expressions across workplaces.

4.5 The Case for Comparison

There are a number of reasons to commend the use of *comparative* case-studies. The first outlined here is generic to case-study research, and the others are specific to the subject matter. Firstly, and generically, comparison can make explanation drawn from a single-case more robust by replicating findings (Yin 2009: 53-9). Social phenomena are often dependent on particular contingencies- for this reason, realist methods are often at least implicitly contrastive so as to isolate them (Taylor and Bain 2004: 277). In a single case-study, the researcher is seeking to consider whether particular mechanisms can or must go together- any explanation developed can be further 'tested' and refined in subsequent cases (Edwards 2006a: 17). Thus, more than one case lessens the chance of misattributions of causality or necessary and sufficient conditions of configurations. Comparative designs are seen as leading to more robust knowledge of "typical patterns of action and interaction", and precisely "how differences of underlying mechanisms work out in similar… or different contexts" (Ackroyd 2009: 8). Edwards (2006: 15) argues that theory in IR has been limited by "the rarity of comparative studies that allow researchers to specify the causal processes of a phenomena in one setting through careful comparison with other settings." In this study, cases were selected to explore variation in mechanism-context configurations, examining the nature and formulation of grievance expressions where there is context of high, medium and low degrees of collective organisation, allowed study of

posited features that can and which must go together to produce particular outcomes. It expected that the cases would provide differing results for anticipatable reasons (Yin 2009: 54).

Secondly, there are two main reasons a comparative design is specifically suited to this particular study. As noted in the literature review, evaluating grievance expressions can run into the sticky notion of 'false consciousness', as the researcher is effectively evaluating respondents' construal of their situation and the degree of contestation. As Hyman argues, definitions of interests in a given scenario "cannot simply be true or false, though they can accord more or less comfortably with the reality of the situation" (1972: 125). Edwards extols the virtues of comparative perspective which:

"does not require us to say what the real interests of particular people might be. Instead, it is possible to analyse people similar in relevant respects and see how the same issues are handled. This offers up the opportunity to show what the different options are" (2006b: 579).

Hyman and Edwards' view of interests, and false consciousness accord with the version of knowledgeability outlined above and the idea that 'absolute truth' is "either meaningless or unattainable, but that one can nevertheless distinguish better from worse ideas" (Sayer 2000: 48). Where single cases may compare actual practice with "hypothetical conditions," explicit comparison allow "more direct assessment of what happens when conditions vary" and are preferred where possible (Edwards 2006b: 577).

The second specific virtue of comparison here is that the particular settings used for comparison reflect historical variation in the regulation of the employment relationship. The research questions relate to the expression of conflict in the workplace and the impact of the strength of workers' collective organisation, phenomena which have changed dramatically over the last half century. Cases were selected to allow consideration of the historical sweep of change and continuity in the workplace- to illuminate de-collectivisation as a process as it impacts the articulation of discontent. In place of longitudinal analysis, this study compares workplaces on the basis of features that are radically shifting- the relationship between collective regulation and grievance expression were expected to give a flavour of the direction of change, attending to 'new' and expanding forms of work, workplace and representative arrangements as well as 'traditional', declining ones. We lack

detailed documentation of how the character of grievances and their relationship to collective claims and projects have evolved historically. However, accounts of how grievances were organised in relation to collective regulation provided a useful basis to consider variation in their character. It is possible then, in place of historical analysis, to consider the variation grievance expressions show in workplaces with varying degrees of collective organisation. Comparison is contrasted along a spectrum of configurations, or workplace regimes, which represent vestiges of the past (where unionism has been relatively resilient against contemporary pressures) towards more common contemporary scenarios (of non-unionism, with little collective control of labour processes or formulation). Investigating the notion of method displacement calls for diachronistic analysis, tracing causal sequences over time. However, given the paucity of available data in relation to grievance expression (as well as time limits imposed by doctoral study), analysis is synchronistic, "contemporaneously examining the interaction of context and mechanism" (Ackroyd 2010: 10), offering an imperfect substitute for longitudinal, historical analysis.

Effective comparative designs follow from careful selection of cases (Yin 2009: 54), and there is a need for clarity about what a case studied is a case *of* (Edwards 2005: 275). Sites should be chosen, not just because they exist, but because they are significant theoretically (Elger 2009). The task is to identify what it is within each context that is crucial to promoting distinctive outcomes in terms of grievance expressions within the overall configuration of conflict. In the analysis of data gathered, abstracted findings from specific circumstances can then be used for comparison towards the creation of theory (Yin 2009: 54), refining and elaborating understanding of how grievance expressions vary and what accounts for this.

It is accepted that almost everything about the workplaces studied is different. As Ackroyd explains, "most comparative case studies do not meet, and cannot be expected to meet, the criteria for experimental research designs" (2009: 9). All that is required is that is that "there are some elements- features in the generative mechanism- that are in essence the same" (*ibid*). Edwards (2005: 265) advocates the use of "contextualised" rather than "matched" comparison. The latter assumes uniformity of external pressures, whereas the former respects the mediating nature of context. For this thesis, workers' collective organisation (as a crude proxy for power or strength) was expected to be a key mechanism affecting grievance expressions. Cases were sought that varied in this respect and virtually

everything else about them was 'uncontrolled'. The particular cases selected, the results predicted, and "replication logic" (Yin 2009: 56) for each are discussed below.

Selecting appropriate sites for comparative study is crucial, yet it can be difficult to understand contexts prior to entering them without very detailed knowledge of their dynamics. I followed Edwards' (2006a: 15) advice to draw upon insider knowledge in guiding selection of cases. Union organisation could not be the sole basis for case selection as there was a need to ensure variation in patterns of grievance expression for a viable study. Previous research had only given a rudimentary idea of the types of problems that were commonly raised as grievances, and how these might vary according to context. For these reasons an extensive phase was conducted first that guaranteed access to 'live' grievances and allowed understanding of the range in the nature of grievances and contextual considerations.

4.6 Extensive Phase: Grievance Expressions across Multiple Workplaces

A point-of-entry was selected through a combination of theoretical requirement and opportunism. A key informant was found in the manager of an employment rights centre (ERC), who assists grievants from multiple workplaces on a day-to-day basis. ERC is a specialist employment advisory and support agency whose primary role is to offer information and guidance to people having problems at work, helping them navigate dispute procedures where necessary. ERC accompany individuals in workplace hearings where possible and engage in campaigning activities to highlight abusive employment practices and deter employers from poor management practices. Such organisations act as the "rare organizational witnesses of abuses and as advocates for the employment rights of very vulnerable workers" (Heckscher and Carré 2006: 613), making a sample of (largely unorganised) individuals with grievances accessible to the research. Furthermore, centre staff, who had around 15 years' experience of assisting with employment problems were extremely valuable respondents.

Once access was negotiated, ERC forwarded the details of clients they thought appropriate to approach about the research and who had consented to take part. The centre manager had initial control over a sample of clients who would be both suitable and would reflect variation in the types of problems they faced, types of jobs and workplaces they had come

from (see table 1). I envisaged that later on I would be more directive, requesting particular types of job or workplace but as it turned out this did not appear necessary as the sample of clients was varied in terms of jobs, skill-level, pay, education, sex, union membership, the outcome of grievances and other characteristics that might be thought to be associated with problems at work and grievance expression. Preliminary analysis also indicated conceptual saturation.

The primary aim of the extensive phase was to firstly to examine grievances expressions closely, to understand why workers chose to raise them and how they formulated them. Secondly, these findings facilitated selection of the intensive case studies for comparison by providing an idea of the range of issues and circumstances. As people seeking help from an external representative agency, ERC clients are often what are considered 'vulnerable' workers (c.f. Pollert 2009). Access to such a sample was not an aim of this phase of the research *per se* but allowed additional consideration of how unique the problems workers encountered and their experiences of grievance procedures were in the non-union workplaces.

Rough topic guides were used for in-depth, semi-structured interviews, with slight variations for interviews with clients and those with ERC staff who provided different angles on the phenomena of interest- the problems workers experienced that brought them to ERC, how grievance expressions were formulated and the experience of trying to resolve them. These two groups provided depth and breadth respectively. Clients were able to detail their experiences of problems at work, the sources of discontent and their decision-making processes. ERC staff and representatives could speak more of generalities, give wider examples and contextualise individual circumstances. I attempted to draw as much contextual information from clients about their workplace situation generally to give an idea of the circumstances surrounding their description of the problem and grievance formulations. Local labour market data and media coverage were also drawn upon to provide additional background and complimentarity (the details of the particular methods will be covered in the subsequent section to encompass the intensive phase). It is important to note that the sample excluded those who had suffered the severest problems as ERC staff did not want to bother those clients who might already be under considerable stress. In this way, the data may underrepresent the most acute workplace problems and difficulties contesting them.

Table 1: ERC Respondents

Centre staff	Position			
	ERC centre manager/Representative			
	Centre representative			
	Administrator			
	Administrator			
Clients		**Employer size**	**Sector**	**Workplace size**
	Cleaner	Large	Public	Small-medium
	Signage technician	Small-medium	Private	Small
	Community health officer	Large	Public	Small
	Waitress	Micro	Private	Micro
	Finance Officer	Large MNO	Private	Medium
	Warehouse 'Picker'	Large MNO	Private	Large
	Bank clerk1	Large MNO	Private	Small
	Bank clerk2	Large MNO	Private	Small
	Chemical process operator	Large MNO	Private	Large
	Bakery manager	SME	Private	Micro
	Office assistant	SME	Public	Micro
	Administrator	SME	Voluntary	Micro

An iterative process of theoretical selection and refinement through preliminary analysis of the extensive data led to selection of workplace case-studies that allowed more fine-grained and contextualised study of the nature of grievances in different settings. The literature review had suggested that workers' collective organisation would be highly significant in shaping how grievances were expressed. ERC data showed how a major feature of clients' problems, and the reason bullying was so resonant, was their powerlessness in workplaces devoid of worker organisation. Even though ERC is 'unionate' (Blackburn and Prandy 1965, Blackburn 1967) in its orientation to advice and support, yet limited by their externality to the workplace and the related extent to which they could affect lasting changes to employer behaviour. It was left to the case-studies to probe how representative organisations *in* the workplace operated with varying degrees of density and the degree to which they had achieved a level of collective control, in other words, how far they had pushed back the frontier of control in workers' favour. Whilst every attempt was made to contextualise clients' accounts of their grievances, I had to rely to a great extent on the 'local labour-market regime' (Castree et al 2004: 115) as contextual binding as data on the workplaces from which they emanated was limited. Without multiple accounts from multiple inhabitants of the same workplaces, there was insufficient detail to consider the nature of employment relations and how work is experienced in a setting in order to understand the extent to which tensions find expression and are resolved within the grievance procedure. Rather, clients' accounts allowed understanding of individual grievance trajectories and the degree to which discontent was addressed within them.

4.7 Intensive Phase: Comparative Workplace Case-Studies

The primary aim of the research was to look at grievance expressions and the processes of their formulation, contextualised in their workplace settings, to consider how the nature of the workplace regime impacts upon this. Union contacts helped identify relevant workplace sites, approaching and interviewing gatekeepers to ensure viability as case-studies that could reflect varying levels of unionisation and configurations of grievance expressions. These key informants (Yin 2009: 107)[18] initially illuminated the nature of work and

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[18] Yin (2009: 107) distinguishes between 'informants' who provide leads and 'respondents' who merely report. In relation to my sample of interviewees, I prefer to talk of 'mechanism experts' among the respondents distinguishing 'union respondents' to signify that these people are embedded to some degree on a community

employment relations, whether grievances were frequent, fairly heard and what they expressed. It was supposed that where unions were powerful, grievances would be relatively rare and when arising, a procedure would exist which was trusted to allow a fair hearing and resolution. During this period a number of different unions and workplaces were considered in the search for a selection of workplaces that exhibited key characteristics and could provide a sufficient level of access to interviewees. Some cases conceived of were abandoned because they looked to be logistically difficult in terms of collecting the data. For example, it was originally envisaged that 'Teleoffice' would be focused purely on a branch of 'Telecomm' engineers. However, because of the nature of their work, most engineers have been effectively made to be home-based workers with no physical depot, who travelled in their work-van straight to customers' homes in the course of their shifts making meeting workers more difficult. A potential fourth, public sector case was also abandoned due to time constraints, with other cases providing access more readily. The case-studies were carried out in the shadow of economic crisis and ensuing recession, and are located in the same country, but the dynamics of the political-economy play out differently in each setting.

Three workplaces were selected with variable configurations of grievance expressions in relation to the collective situation of work and broader relations between management and workers in the settings: 'Shipyard'- a large engineering workplace with 99% union membership, 'Teleoffice'- a clerical/call-centre environment with around 80% membership, and 'Bankcentre'-a financial services call centre with around 25% membership[19]. At Shipyard, grievance expressions were rare and not viewed as particularly problematic in any way. In Teleoffice, grievance expression was viewed as a significant area of activity, one that had been growing and attested to unresolved collective issues. At Bankcentre, grievances were viewed as practically the only means of influencing management, and were encouraged by the central union to demonstrate the breadth of discontent and build a bargaining agenda. The purpose of the research was to uncover why this was the case and to learn more about the nature of grievance expressions and the processes of their formulation through comparison.

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and philosophy of formal worker collectivism and are likely to be involved in considering grievance formulation. in some cases workers were informants who passed me many new contacts but were not necessarily active in the union or having a view to many grievances as union respondents were.

[19] Whilst the membership in the other two cases was stable over the period of study, the Bankcentre case study saw the union branch grow- in a concerted organising drive- from around 10% and one rep to over 25% density and a branch of 6 reps.

Table 2: Case-Study Respondents

'Shipyard'	'Teleoffice'	'Bankcentre'
Regional Organiser & Ex-Convener	Teleunion Vice President	National Officer-Finance
Site 1 Convener 1	Branch Chair	National Union Officer for Banco 1
Site 1 Convener 2	Former Branch chair	National officer for Banco 2
Site 1 Convener 3	Assistant Branch Secretary	Senior Seconded Rep 1
Site 1 Steward 1	Workplace Rep 1	Senior Seconded Rep 2
Site 1 Steward 2	Workplace Rep 2	Learning Organiser
Site 1 Health and Safety Rep	Health and Safety Rep	Organiser Scottish Region
Site 1 Electrician	As Space Liaison 1	Workplace rep 1 (and branch chair)
Site 2 Convener 1	Ad Space Liaison 2	Workplace rep 2 (equality rep and branch treasurer)
Site 2 Convener 2	Ad Space Liaison 3	Leaning Rep (and branch secretary)
Site 2 Welder	Ad Space Liaison 4	Health and Safety Rep
HR Manager	Ex-Ad-Space Liaison 1	Financial Adviser
Employee Relations Manager /HR Project Manager	Ex-Ad Space Liaison 2	Financial Processer
	Web Design Liaison	Sales Representative
		Underwriter
		Financial Adviser

Gaining access to the required data involved negotiating access with 'multiple gatekeepers' (c.f. Kitay and Callus 1998: 108). Once into workplaces, finding appropriate respondents who were in the process of raising or formulating grievances *and* willing to share their reflections on the process proved to be appropriate only for a handful of individuals. Whilst the difficulty of studying conflict in general has been well documented (Ackroyd and Thompson 1999, Edwards et al 1995), I had wrongly expected that grievants would be easier to identify and approach because this act is viewed as generally sanctioned and legitimate in comparison to 'deviant' misbehaviours such as sabotage. I underestimated how sensitive 'live' disputes were, where the intervention of a researcher might influence an individual in the midst of complex decision-making processes. The financial crisis is likely to have altered organisations' openness more generally, particularly to discussing conflict. In economic 'good times' doors might be fairly wide open, where as in 'bad' the curtains are all drawn.

The conflictual, and often adversarial nature of employment relations presents some unique challenges of access and ethics, requiring "particularly sensitive diplomatic relations" as:

"in this charged environment, professed neutrals are often suspect. Indeed, some practitioners are suspicious of academics as a class. And so the researcher who claims to be neutral (or in between) may be attacked by both sides." (Whitfield and Strauss 1998: 26-7)

Whilst management views were of interest, jointly-sponsoring the research by both sides of the employment relationship might jeopardise the rapport and trust of workers and their representatives who were most crucial to the research. Management-worker/union relations were strained in all the workplaces studied, particularly Bankcentre, which was at the centre of the financial crisis and where acceptance of unionism was most tenuous. However, in Shipyard the accounts of two HR people were accessed when suggested by union respondents. Here the union-management relationship involved a mutual regard and level of dialogue that was absent from the other settings. In Teleoffice and Bankcentre, union respondents shared my scepticism about how receptive managements would be to the research and if they did engage, how honestly they would do so. I had additional

anxieties about respecting the confidence of parties with conflicting interests in the research.

Once in workplaces, respondents were selected purposefully on the basis of relevance to the research rather than a random or 'representative' sample (Bryman 2004: 334). Whilst I envisaged following a number of grievance trajectories in each site, in the end, most respondents were either recounting the grievances of others or recollecting grievance formulation and their experience of raising grievances *post hoc.* However, interviewing ordinary workers alongside grievants served to reinforce that line dividing vague discontents and the decision to raise a grievance, or take some other measure was often very fine. Access to both workers and grievants was controlled almost entirely by union gate-keepers who selected individuals who would be suitable to participate. Some grievants were considered too distressed to approach during the process of their disputes. The nature of union hierarchies and workplace organisation and arrangements dictated the relevant respondents[20] and some difficulties of access that were unique to the different workplaces. The timeframes and the balance of forms of data and types of respondents varied between cases, but ultimately, a similar level of understanding was gathered for each. In Shipyard, grievants were so few in number that union reps did not have any to refer me to. Data here focused on the accounts of representatives, workers and HR people.

At Teleoffice and Bankcentre there were difficulties that reflected the nature of work, a key issue being time-squeeze. Call centre regimes are very often predicated on keeping workers continually 'on-line' and on the phones. "This presents unions who have gained access with the basic problem of how to communicate with both potential and existing members" (Bain and Taylor 2002: 250), and makes research-access difficult. At Teleoffice, where attendance was very strictly policed, the union branch felt their members were too apathetic to come to branch meetings, never mind to participate in research interviews and thus were disinclined to impose themselves on them. For respondents who did not hold representative positions or membership, I had to see people on their own time in nearby cafes during lunch-breaks or after work. At Shipyard, reps and conveners were free to take time out for interviews, whereas Teleoffice and Bankcentre respondents were stretched thin. At Bankcentre, access involved repeated interactions with a small group of core

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[20] Shipyard for example, deals little with external officials from the central union compared to Bankcentre, a new and growing workplace branch.

activists in the process of a drive to organise the workplace, with access becoming easier as union membership increased and regular surgeries were set-up where I would meet members who came to the reps with problems. It was for this reason that the bulk of data were gathered from Shipyard and Teleoffice in a matter of a month or two, data collection at Bankcentre spanned the course of almost two years as the branch grew.

In all cases, I was more reliant on the accounts of union representatives than I had initially envisaged or desired. However, many of these were lay-representatives, who were also workers and less fully entangled with the unions' institutional positions and biases[21]. Furthermore, many of these lay-reps became active after having some help with grievances or disciplinaries and thus, offered reflections of personal problems and grievances, as well as summarising those of their constituencies. Overall, data collection was considered complete once I had judged that substantial evidence had been amassed within the data, sufficient to confirm or deny key research concerns that came from at least two separate sources (c.f. Yin 2009: 100). From preliminary analysis, I was approaching 'conceptual saturation', where new data no longer significantly alter existing conceptualisations (Bryman 2004: 403).

4.9 Case-study Methods

Under a case-study "anything goes" in terms of means of gathering data that illuminate the case (Kitay and Callus 1998: 108). There is an inbuilt flexibility to follow leads as they arise and the specific research design is emergent rather than fixed (Burawoy 1998: 11). This "lack of a precise definition of, and changing concern for particular kinds of a data is a feature of realist research" (Ackroyd 2010: 6), because the specific information that is relevant to a case-study is not readily predictable (Yin 2009: 69). In contrast to the positivistic emphasis on rigid procedures, in which it is assumed that "process guarantees the product" (Burawoy 1998: 28), realists emphasise the conceptualisation of what data represent, with the emphasis upon overall design and theorisation rather than specific methods. Case-studies involve multiple sources of evidence, converging on the same research objects (Yin 2009: 98). The use of different sources of evidence is a major strength

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[21] Darlington (2009) for a recent review of the pressures of the union hierarchy towards 'co-option' and 'moderation'.

which allows lines of enquiry to converge and corroboration of inferences (*ibid*: 114-16), amassing a variety of available material and then putting "them together so as to give an account of the generative processes" (Ackroyd 2010: 6). As with most in-depth case-studies, interviewing was the primary method used.

4.9.1 Interviews

The way that actors think and act is complex and understanding this requires sensitivity (Ackroyd 2009: 11), particularly when asking people to talk through intricate processes such as grievance formulation. All interviews were in-depth and semi-structured lasting between an hour to two and a half hours. They were recorded, transcribed verbatim and coded using NViVo. On a few occasions, respondents were interviewed in pairs, and in some cases there was audio recording of group discussion (the implications of which will be discussed at the end of this section). Firstly, the chapter discusses a specifically realist mode of the interviewing.

Pawson and Tilley's (1997) call for specifically realist techniques of data collection closely parallels Burawoy's (1998) enjoinment to harness and explore the inter-subjectivity between scientist and subject of study. Interviews were employed as 'analytically informed dialogues' guiding informants through an analytical agenda of social processes, contexts and outcomes (i.e. the articulation of discontent and grievance formulation) attempting to elicit comments on posited mechanisms. Pawson and Tilley argue that thorough consideration of data collection and analysis is so often missing from accounts of realist ontology that tend to cite, without much elaboration, the virtues of methodological 'pluralism'. The approach can lay the foundations for sharper explanation, by transcending the usual concerns as to whether or not data gathered by various types of interview are 'true' to the interviewee's thoughts and deeds, be they structured or unstructured. Textbook methodological debates tend to be concerned by "*data-driven* strategies" rather than concerning themselves with how they facilitate theory-development (*ibid:* 155). Methodological approaches tend to all be:

"constructed under the working assumption that *the subject and the subject matter of the interview are one and the same thing…* We aim to supplant this notion with the counter-proposition that data construction should be *theory driven…. the researcher's theory is the*

subject matter of the interview, and the subject (stakeholder) is there to confirm, to falsify,
and above all to refine that theory." (*ibid:* emphases in original)

This conceptualisation offers a "division and hierarchy of expertise" between various actors involved in projects of action (e.g. representing workers interests effectively) allowing the opportunity to map 'who knows what', respecting actors' positioning to offer various perspectives (Pawson and Tilley 1997: 155). The theory-ladeness (be it academic or folk) of knowledge is treated as "music to be appreciated" rather than noise to be eradicated- for it never can be (Burawoy 1998: 14). Interviewees are frequently referred to as 'informants' but rarely are they given the chance to explicitly view what they are *informing on* in any systematic way; this does them a disservice- particularly where they think about the relevant causal mechanisms on a day-to-day basis, e.g. union representatives, who can be thought of as 'mechanism experts' (Pawson and Tilley 1997: 166). Experts usually know a great deal about the salience of particular mechanisms in their settings, but not necessarily context-mechanism-outcome configurations, which the researcher has to unravel.

As causal mechanisms are often quite ordinary and fairly well understood by actors, guiding choices of how and when to act (Sayer 1992: 116), respondents should be treated as sources of more theoretically-minded accounts than much methodological discussion would have us believe (Pawson and Tilley 1997: 159). Informed dialogues involve embracing and harnessing the process of the co-production of knowledge, asking respondents for verification or falsification and conceptual focusing. The researcher links discussion to explanatory narratives, making the conceptual structure of the investigation explicit (Pawson 1996: 305)- the idea is, "I'll show you my theory if you show me yours" (Pawson and Tilley 1997: 169). The researcher makes their intension and context of its derivation unambiguous, and can seek respondent validation by "talking about *their* world in *my* language" (Pawson 1996: 313). Pawson argues that this is frequently the implicit structure of interviews, but should be put in a more explicit methodological foundation and utilised to greater effect, allowing the informant the opportunity to be critical of the researcher's ideas. Ultimately, this means making the most of the double-hermeneutic in social research rather than attempting to circumvent it, conjoining the knowledge of interviewer and interviewee and getting "both knowledge domains- 'scholarship' and 'savvy'- working in the same direction" (*ibid*: 303).

Interviews were semi-structured and centred upon elaborating respondents understandings and working theories. In highly structured interviews responses are extremely limited fragments "with the result that the subjects own ideas may be misunderstood" (Pawson and Tilley 1997: 157). The realistic interview involves a teacher-learner function and conceptual refinement process. The aim is neither stimulus-response, nor simply "unrestrained invitation for interviewees to muse on whatever interests them, but offering candidate explanations" (*ibid*: 175). This style could to be 'leading' where participants are of a more vulnerable nature, unused to 'debate', and thus prone to socially desirable answers. Such a power relationship was neither expected, nor perceived in practice with any interviewee. Rather, respondents were happy to point out if my thinking was wide of the mark or to make qualifications. However, in order to minimise potential bias, interviewees were continually reminded that my conceptualisations were preliminary, open to reformation, and that *they* were in a more knowledgeable position.

Following a brief introduction of the research problem, design and expected causal relationships, interviews were then loosely structured around a number of topics, including but not limited to: the experience of work and aspects which aggrieve, the extent of expression in grievances, the processes by which workers arrive at particular formulations, relations with management, workplace union organisation, political attitudes and activism and the socio-economic context. The style was conversational, returning to topics that had not been fully explored. Typically, near the beginning of an interview with a representative, I would make propositions about declining unionism and changing forms of conflict expression, gradually in the course of the interview drawing this closer in to their experiences and perspective. Paraphrasing respondents' accounts after they said something of interest, often in abstract form was a useful tool to dig-deeper, as summarising respondents' points in a generalised way can have them "screaming internally for context", providing them an opportunity to challenge and substantiate the statement (Pawson and Tilley 1997: 168). For example, I might summarise an account of patterns of grievance-filing and check, 'so, more grievances are raised following the annual review of performance?', which would usually result in the respondents further refining this statement with qualifications, exceptions or more rarely with full endorsement and further examples.

Interviews with representatives were conducted slightly differently to those of workers/grievants, respecting different forms of knowlegdeability. Workers (as potential and actual grievants), were likely to "know whether they have been encouraged" (to raise grievances or formulate them in a particular way) but "have a rather personal view of choices made and capacities changed" (*ibid:* 160). Representatives had an eye to a broader range of constraints and enablements. These 'mechanism experts' were 'taught' the conceptual problematic, so that the interviewer could become the 'learner'. Respondents generally understood my propositions very readily and refined my explanations. Shipyard union respondents for example, spoke of meeting reps from different workplaces (at training events and conferences) that were less densely organised, explaining what they knew of the nature of grievance expression in these contexts.

4.9.2 Interviews with Two or More Respondents

Initially it was planned that focus groups with workers would be a central part of data collection. Groups provided difficult to organise but the principles were employed in interactions with union branches and paired-interviews when opportunities arose. Gatekeepers doubted it would be feasible to take naturally-existing groups away from work at once, and attempting to recruit and schedule for these out-with the working day added yet more difficulty. However, to varying degrees in different cases, and driven by their own convenience, gate-keepers sometimes assembled pairs of respondents for interviews. I also exploited opportunities to observe respondents in group settings (such as union branch meetings and informal meetings with groups at conferences) where reps and members shared their reflections on live issues. Where these opportunities presented themselves, I drew on focus group methodology, maximising interaction between respondents and collective sense-making, rather than resting on the convenience of meeting two or more interviews at one time. The attractiveness of this approach and the extent to which it was used is briefly sketched.

Focus groups are an effective method for eliciting people's understandings and opinions, and how these are negotiated in a social context (Wilkinson 1998: 187). They can be much more than individual interviews in a group setting, involving the interaction of group participants *with each other* as well as the moderator (Morgan 1988, 1996, Kitzinger 1994).

The "hallmark" of the focus group "is the explicit use of group interaction to produce data and insights that would be less accessible without that interaction" (Morgan 1988: 12). Bloor et al have argued that focus groups should be *the "*sociological method of choice, providing concentrated and detailed information on an area of group life which is only occasionally, briefly and allusively available to the ethnographer over months and years of fieldwork" (2001: 6). Group members collectively "negotiate" or "co-construct" meaning (Wilkinson 1998: 12), "confronted with the need to make collective sense of their individual experiences and beliefs" (Wilkinson 1999: 193), and can stimulate participant engagement in what is essentially a contrived 'micro-mobilization context'- the small group settings, where workers' perceptions of injustice, attribution, and the costs and benefits of courses of action are discussed and may escalate (McAdam 1988: 134-5). Such interaction is crucial to Kelly's mobilization theory, yet this informal group organisation and framing also represents the aspect of the theory that lacks much empirical investigation, particularly on trajectories of expression other than strikes[22]. Focus groups can closely assimilate ordinary social process and interchange between pre-existing groups of colleagues, allowing interaction between participants that might naturally discuss topics of interest (Kitzinger 1994: 105). There is potential to gain insight into not only shared ways of talking, but also shared experiences and ways of making sense of these (Wilkinson 1999: 189). Whilst, such data is not entirely naturalistic (as with *in situ* observation), concentrated interaction on a topic might tap "fragments of interactions which approximate to naturally occurring behaviour" (Kitzinger 1994: 105). However, focus groups tend to throw up more practical difficulties than individual interviews, particularly of coordinating a group of people to be in the same place at the same time (Bryman 2004: 349). With the exception of Bankcentre, where I had several opportunities to conduct focus groups with the union branch, interaction was mostly limited to pairs of respondent.

In analysis, the conditionality of these different forms of data were respected, and due consideration given to any differences in the way groups and individuals discuss workplace relations and issues. The paired interviews did provide valuable additional insights.

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[22] There is a relatively rich literature in respect of strike mobilisation, the classic reference being Batstone et al (1977, 1978), where detailed accounts of the 'vocabularies of motive' precipitating or preventing strike action are provided. However, as with IR literature in general, how 'individual' grievances emerge and how this might relate to collective interest definition processes is not explored.

Respondents presented their views and heard from co-interviewee at the same time, and in responding to each other, revealed more of their frames of reference (Finch and Lewis 2003: 171). Pairs differed and argued, providing a more refined account where people are forced to think and potentially revise or defend their views (Bryman 2004: 348). Respondents asked questions of each other I had not thought of, and pointed to apparent inconsistencies in others' accounts, in ways that I, as a researcher might feel inappropriate (Wilkinson 1998: 118). However, on their own focus groups would be insufficient for the purposes of the research, and would miss "individual biographies or the minutia of decision making processes during intimate moments" (Kitzinger 1994: 116). As this study is concerned with the interrelations of grievance formulations and the collective situation of work, there is a requirement to understand individual, as well as various levels of collective voice and expression.

4.9.3 Documentary Analysis

In addition to interviews, I utilised a variety of documentary evidence including union campaign literature (national and local), union magazines, the agendas and motions of conferences and seminars, employer policies and procedures. These were used to corroborate and augment evidence from other sources (Yin 2009: 103). The researcher is here a "vicarious observer" rather than the intended audience of such (often PR filtered) materials (*ibid.*). The point is to identify the objectives of such communications- the policies and strategies they espouse, or the way they conceive of particular phenomena and to tease out the relevance to the central research objects, providing clues as to further investigation and analysis, or supplementary data, rather than definitive findings in themselves (Yin 2009: 105). Analysis of union documents were used to provide further empirical material, but were not seen as 'confirming' the views of interviewees, nor contradicting them but providing understanding of the context in which they held them (e.g. the 'union line' on particular management practices and the extent to which problems workers complained of were being addressed by the union as part of concerted efforts). As Elger (2009) argues, triangulation of data is not about confirmation but complementarity. If there is a danger in interviewees representing ideal accounts of their own actions and rationales, and the functioning of their union, the combination of this data with the public

discourses of official documents might simply "conjoin the faults" (Pawson and Tilley 1997: 158).

4.10 Data Analysis

All interviews were transcribed verbatim and analysed alongside textual and recorded observational data in NVivo. All data were then thematically analysed into codes and sub-codes that related to specific topics of interest. These codes emerged from the data, but what emerged as interesting from the data was shaped to a degree by the topics proposed in interviews which built from the literature review and analytical framework. Whilst respondents refined theorisation, explanations posited in this thesis are not entirely their own, or even the sum all of participants' contributions. Analysis involves reconciling respondents' interpretations and the contexts and positions in which they are embedded (e.g. position in the union hierarchy, length of time in role). Causal processes have to be "imaginatively inferred and constructed" from observations and information gathered (Ackroyd 2010: 64), about "actors' reasoning and circumstances in specific contexts" (Sayer 2000: 23). Realists refer to modes of thought as *abduction* and *retroduction*. *Abduction* involves re-contextualising some known phenomena within a new frame, involving creative imagination (Danermark et al 2002: 91). It is then a short step to inferring the characteristics constitutive of structures, known as *retroduction* (*ibid*: 96).

Within the data I was attempting firstly to identify patterns in events and processes as indicators of (hidden) causal mechanisms (Ackroyd 2010: 62). Secondly, through 'imaginative extension' I began specifying conditions for existence and operation of a mechanism. Posited mechanisms were sometimes offered by participants and others were mine alone- where they were mine I opened them to discussion, and where they were respondents I probed their specification of them. Amongst other things, analysis involves "recombining evidence" in order to trace chains of causality, consider conditionality (Yin 2009: 126). Situational knowledge is compiled into an understanding of social processes, and structures that enable or constrain them (Burawoy 1998: 18), building a picture of mechanisms and counter-mechanisms from fragmented glimpses of the multi-layered, and multi-actor processes of grievance formation and formulation. Burawoy, describes the task as taking multiple accounts and aggregating them into social processes, examining and

postulating interrelations between psychic and social processes and their social, cultural, economic and political contexts (*ibid*: 27). After distinguishing between "'can' and 'must', contingency and necessity," I sought to refine "metaphors and models for representing the world" (Sayer 2004:10).

4.11 Generalisation

'Generalisation', tends to be taken to mean assessing how *extensive* a certain phenomenon is, which offers little explanation of what produces it (Sayer 2001: 84). In this study, the 'domain' to which results are generalised is analytic rather than statistical (Yin 2009: 43). Thus, "[T]he reason for thinking the discovery of a generative mechanism is significant is conceptual as much as it is empirical" (Ackroyd 2010: 6-7). Essentially, if a mechanism can be found to be operative in other locations, then it can be generalised as having causal powers which will be contingently expressed. Explanation can be generalised from a realist perspective from a single case, and "[t]he adequacy of a single case need have nothing to do with how many other such cases there are" (Sayer 2000: 21-22). Placing strict limits upon the explanatory power of case-studies is a positivistic predilection based upon statistical generalizability. However, one needs to distinguish the manner in which cases are studied and explanation approached: "If particular cases have failed to produce generalisable results, this is a failure of research design not an inherent feature of the case study method" (Kelly 1998: 133).

The comparative cases were examined holistically, in isolation initially to ensure that the ultimate pursuit of comparison did not dilute the understanding of specific cases (Elger 2009), with emergent findings then being explored and the main aspects of variation identified and considered across cases. In comparative case-study designs, the goal is to construct a general explanation that fits each comparative case, despite the contingencies of context (Yin 2009: 142). As Burawoy explains, his "extended case method":

"deploys a different comparative strategy, *tracing the sources of small difference to external forces…* the purpose of comparison is to causally connect the cases. Instead of reducing the case to instances of a general law, we make each case work in its connection to other cases." (1998: 19).

Ultimately the explanations derived from the study are fallible and open to revision. Whilst I hold to the propositions made, I expect that new studies will find further nuances and conditions that I was not able to uncover. A public sector case for example would have been useful to examine high collective density combined with the recent experience of welfare state retrenchment and dramatic organisational change and restructuring.

4.12 Ethics and Implications

The ethical implications and limitations of design have been touched upon throughout the chapter. However, it is useful to remind the reader of the most substantive and how I sought to circumvent them. As already mentioned, there are particularly sensitive diplomatic relations involved in studying workplace conflict. Focusing on workers with 'live', or recent grievances, required access to individuals who were often under stress and who were sensitive to interference as they were in the process of making important decisions about their working lives. However, as Liamputtong argues, "there are so many vulnerable people out there in most societies. It will be difficult or even impossible for researchers to avoid carrying out research regarding vulnerable marginalised populations" (2007: vi). To avoid researching such issues is a delegation of responsibility for any who takes themselves to be interested in making a difference to society. It *is* important to "develop enquiries in ways that do not make the individual participants suffer further" (*ibid*: 27).

Grievants were being asked to focus on experiences that often contained deeply personal reflections which could be stressful and uncomfortable to relive. A number of interviewees were in tears as they recounted their experiences. Respondents may also have particular concerns for anonymity and confidentiality, either because they were in continuing relationships with the employer they were 'informing on', or as was the case for a number of ERC clients, they had signed a confidentiality agreement as part of a pre-tribunal settlement. However, in the course of interviews, respondents very frequently said they would relieve painful experiences and overcome misgivings in order to contribute to a project that might lead to change. Thus, the clients of ERC wanted to 'give back' to the centre and its staff. Workers in the case-studies had varying aspirations. Particularly where the union was less well organised, respondents generally hoped the research might assist with union organising or more generally improving the workplace situation in addition to

broader policy influence. Research in IR is "rarely of purely academic interest" and therefore researchers "have an obligation to ensure that their policy recommendations are not based on insufficient or inappropriate data…[as] Policy orientated research has the potential to alter the behaviour of policy makers and consequently the lives of countless individuals" (Whitfield and Strauss 1998: 28). The findings are declared as accurate depictions of the contexts and phenomena studied, respectful of the limitations of the data and access obtained.

4.13 Limitations

As far as possible, weaknesses were anticipated in advance and mitigated. However the main limitation, access to workplaces in general, and grievants in particular, was more restricted than I had hoped. The eventual dataset relied heavily on the accounts of union reps and workers. Had the research been jointly-sponsored by management as well as unions, it might have facilitated stronger access as workers and grievants might have been approached during working-hours. However, the compromise to trust and rapport with workers this would entail would be too great. Edwards reports that it has generally become increasingly difficult to get such access for IR research with predominant strategies of cost-minimisation and unilateral decision-making (meaning employment relations are not a priority) and a deregulatory approach from governments, post-1979 (2005: 276).

Only a few 'live' or ongoing grievance trajectories were included in the study, where individual problems were followed from the process of early formulation through to their conclusion. More often data was retrospectively gathered from post-hoc interviews (as with the ERC data). Retrospective analysis of the situation by participants is likely to create a bias in which people who have initiated a grievance then tar the whole situation with the particular (negative) brush, seeing their time with the employer, manager or organisation as rotten from start to finish. However, given the experience of the ERC clients, this would seem to reflect a common outcome of raising grievances, particularly to the external level (appeals and ETs) that by this point the employment relationship became too strained to continue and the ending of the relationship was most likely. I ensured I asked people what the 'good bits' of their working-lives were. Respondents were willing to concede there were some positive aspects, even if they had been very negative about their experience in a

number of aspects and over a number of years. This line of questioning distinguished those aspects that were bothersome but accepted from those that were egregious.

The thesis provides an account of the nature of grievances arising in workplaces and the circumstances of their particular formulations, the extent to which discontent is expressed in grievances, and how grievance expression varies in different workplace regimes. The accounts of grievants, their general experience of their workplace and employment relationship was carefully scrutinised against a wider analysis of problems that commonly arose for people and the contradictions of the employment relationship as they arose in particular settings. Representatives as 'mechanism experts' were particularly well placed to summarise the dynamics of the workplace and aggregate employment relations issues. I included forms of 'making-out', resistance and misbehaviour when they arose in peoples' accounts of their working lives, and to the extent that they illustrated the 'politics of production' (Burawoy 1985), and contested aspects of work (whether or not expressed in grievances or in collective campaigns). Other studies might have delved deeper to explore how the structured antagonisms of the employment relationship were augmented by gender, race and sexual identity. These themes appeared occasionally (e.g. in Teleoffice the branch secretary emphasized the disproportionate effect of aggressive performance and attendance management on women), but were rarely what respondents defined as the key issues facing workers generally or particularly, or as typical categories of grievances. However, physicality in terms of disability discrimination was broached more often by respondents[23].

4.14 Conclusion

The study concerns the nature of discontent in workplaces, the extent of its expression in grievances, and how this is shaped by worker organization. The research problematic relates to how formulations as well as forms have changed over the last half century, as the workplace has undergone radical decline in trade union representation and changes to the nature of work. It is proposed that 'method displacement' from collective to individual and

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[23] I believe this has to do with the central thrust of the core problems facing workers of performance management and associated attendance management. The logic of this will be dealt with in the discussion chapter.

'subterranean' forms of conflict expression is necessarily accompanied by a refraction of the issue formulations presented, as associated with the idioms of the particular avenue of expression (e.g. the strictures of collective bargaining, grievance procedures, or more symbolic or direct appropriation sometimes read-off resistance and misbehavior). This chapter has explained how the empirical component of the thesis was designed to reveal this.

The research is underpinned by critical realist propositions regarding a stratified ontology, the resultant requirement for multi-leveled explanation, and a preference for intensive comparative case-studies in order to explain and elaborate the mechanisms which produce particular configurations of grievance patterns and formulations. The workplace is held as a multiply-embedded unit of analysis (Thompson and Vincent 2010), considering wider *analytic* generalisations. The research is a combination of extensive and intensive studies of grievance formulation. The intensive phase uses a comparative case-study design, with the data primarily based on semi-structured interviews of a kind that draw on the differential knowledgability of various actors. I make most use of worker representatives who are conceived as the 'mechanism experts' in the management of discontent and formulation of grievances. In all, interviews were conducted with 59 individuals (sometimes in pairs), supplemented by non-participant observation of union conferences, branch meetings, and documentary analysis of union magazines, conference motions, secondary statistics and media reportage.

The main limitation of the research is due to problems of access. The data-set would have been strengthened by a larger sample of grievants, particularly those with 'live' grievances to be followed over the course of their trajectories. Management access would have given a more rounded picture of the workplace, and their interests in the use of the grievance procedure, but ultimately I decided that this would threaten my relationship with worker and union respondents. The difficulties posed by studying workplace conflict are widely acknowledged, and likely to increase for a number of reasons (e.g. the decline of pluralistic acceptance of unions and the de-legitimisation of workplace conflict among employers and the state).

Well-executed, a realist study should involve the "re-conceptualisation of the subject and how it works" (Ackroyd 2009: 7), which I hope to have achieved in respect of grievance expressions and deciphering method displacement. The next four chapters present the

findings from, firstly, the extensive ERC data, and then, from the intensive phase involving three workplace case-studies. The extensive data explores a range of grievance expressions arising in different workplaces and considers how they are formulated. Findings here give greater understanding of an increasingly prevalent category of grievance expression- 'bullying'- and what this means in various contexts. The chapter sketches a preliminary outline of how this would be expected to vary along with degrees of collective organization. Then in the workplace case-studies, the nature of grievance expressions and wider discontents are used as a lens to explore the conduct of employment relations and articulation of conflict. Comparison of the case-study findings is then drawn out and related to existing literature and research in a separate discussion chapter, before the closing comments in the concluding chapter.

Chapter 5:

Grievance Expressions and Formulation Processes: Perspectives from the Clients and Staff of an Employment Rights Centre

5.1 Introduction

This chapter presents data from the extensive phase of study in which grievance expressions are examined in multiple workplaces, drawing from the perspectives of the users and staff of an employment rights centre (ERC). The topics of study are the types of problems and situations that lead to grievances, from the perspective of an actor external to the workplace, considering how grievance expressions vary across different types of workplace regime. The chapter looks at how ERC influences grievance formulation and the extent of resolution, and discusses the constraints upon ERC, a representative actor external to the workplace, touching on themes of the adequacy of employment rights to 'capture' problems arising at work and the broader system of employment relations, workplace representation and dispute resolution. The data give a broad picture of the nature of grievance expressions arising across workplaces, refining theoretical selection of the comparative workplace case-studies that form the second, intensive phase of study.

The chapter firstly provides some background on ERC, its activities, the local labour market context and how it came into being. Secondly, the chapter explores narratives of grievance expressions, noting the ubiquity of 'bullying' as a descriptor that encapsulates variegated discontents and hardships experienced. A sub-section unpacks the range of meanings of bullying deployed and considers their nature. Thirdly, the experience of raising grievances in the workplace is described as a secondary source of conflict, where because of a lack of voice in the workplace, workers are forced to pursue external help (from ERC), and external means of pressure such as tribunal applications. Indeed, a lack of voice and sense that raising grievances was pointless were also related to notions of 'bullying'. Fourthly, ERC's role in formulating workers' discontent is outlined, noting their distinctive approach in "acting for non-union workers the way a trade union would." However, ERC are constrained in how far they, as an external actor, can influence the nature of workplace regimes. A fifth section explores this and other constraints, relating this to the partial contestation of discontent, offering insights into the mechanisms underpinning different patterns of

grievances and formulation. Finally, the chapter synthesises an emergent picture of how both discontents experienced and grievances raised vary in different scenarios, setting the scene for the workplace case-studies.

5.2 ERC, the Local Labour Market and the Politics of Employment Creation

ERC is a specialist employment advisory and support agency whose primary role is to offer information and advice to people having problems at work, and to help them navigate dispute procedures where necessary. They also accompany individuals in workplace hearings, and engage in campaigning activities to highlight abusive employment practices and deter employers from their use. ERC has been established for nearly 15 years and employs a full-time centre manager, an administrator and draws from the help of a number of volunteer representatives (trade unionists and law students). ERC grew from its original incarnation as a more specialised occupational health project. Outlining the rationale for the transition towards a more holistic approach to helping workers, the centre manager described how employment problems tend to cluster, so that focusing on one discrete aspect of conflict neglects underlying issues:

"I realised that there was a major problem with electronics workers[24]… There were a number of problems- labour related, health and safety related… it then became an employment rights centre more than a kind of occupational health… it really became apparent to me as I began to get interested in just talking to the workers, their experiences… these people had no chance! Precarious atypical employment and all the problems that kind of peripatetic strategy brings about- the insecurity, the stress, the fear."

The electronics workers referred to had issues with health and safety which was an immediate concern, but it became evident that this was a focal problem underpinned by more fundamental issues of workplace regimes pursuing 'low-road' employment strategies, prioritising cost-cutting over workers' well-being, rights or fairness.

It is important to highlight the inhospitable local labour market, and the politics of job creation this augurs to give grounding to the experiences of workers and the ERC described

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[24] There was a disproportionate caseload of electronics workers for the occupational health project at the time the centre manager came to that organisation.

below. The locality bears the scars of de-industrialisation and has one of the highest levels of unemployment, and lowest average earnings in the UK. Unemployment has been consistently higher than the rest of the country for many years and the district appears to be faring relatively poorly during the recession. A similar pattern exists in relation to average earnings, in reflecting occupational composition which is skewed towards lower-level, elementary occupations. ERC staff stressed these labour market characteristics in underlining the severity and breadth of the problems clients presented. Job creation has become a contentious political issue with concerns that public funds have been used to subsidise employers offering jobs of low quality, which are accepted so that politicians can point to successes in moving people off benefits and into work. One client became a key organiser in a campaign, built with ERC's help, to investigate health and safety conditions at the worksite where she had been employed and along with others, suffered severe health complications[25]. She described how the community hoped that the arrival of her former employer, a large electronics employer in the 1970s would rejuvenate the area, and how these hopes had been dashed:

 "When that industry came here, it was seen as a lifeline… people thought that this was the great saviour for [the region]… it was perceived as a lovely, clean, safe industry. But actually, no! It wasn't safe. It wasn't clean either!"

The employment practices of a number of large employers, in receipt of government grants has attracted critical commentary, appearing in the local and national press, sometimes through the instigation of ERC, who have pressured local politicians to intervene. One such employer was using zero-hours contracts and cutting workers shifts short in the middle of the night so that they were stranded at the workplace, unable to get public transport home. The centre manager went to a local paper, telling them how companies were getting away with unfair practices on the back of the employment they have brought to the area: "Much as we appreciate the jobs that are created by companies like [large multinational distribution giant], there has to come a point when we tell companies that what they are doing is wrong!" However, the need to secure and retain jobs of any calibre translates into a lack of political will to challenge 'flight-risk' employers over their ill-treatment of employees. The centre manager spoke of the "peripatetic" strategies of such "grant-

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[25] This respondent was undergoing cancer treatment. Co-workers were also suffering from cancers and reproductive problems.

hoppers[26]" who are employing hundreds at present, but it is unclear for how long. A certified union representative, who assists the centre on a voluntary basis, further explained the dilemma the region was in as "the minute you put any kind of [dispute] process on them, they say, 'well, we'll just go somewhere else'."

Thus, the tension between creating jobs and turning a blind eye to questions of their quality underpins the precarity of employment in the region, where large employers who mistreat workers appear too important to challenge. Referring to her campaigning activities, the electronics worker mentioned above, felt discouraged and even silenced by local politicians concerned that criticism might discourage prospective employment growth:

"They took the line that they were trying to encourage industry into this area, and because we were making this fuss, that we were maybe putting some people off coming here. But what are you supposed to do? Are you supposed to say, 'well, okay, we'll no say anything, 'cause it might stop somebody coming here'? That's what they wanted us to do."

These tensions betray a sense of uncertainty regarding the regional economy and labour market, underpinning the desire to secure employment, regardless of its quality, with some employers actively exploiting its deprivation. As one large organisation was described, "playing on the fact that people in [Region] are desperate for jobs" (media source). The centre manager added that this particular employer was "preying on the most vulnerable in the community who are simply not in a position to protest."

This context leaves workers here particularly vulnerable to exploitative practices and ERC reports being almost overwhelmed by demand from clients (around 750 *new* clients a year), who tend to be unorganised in addition to facing a particularly difficult labour market. Where employers pursue 'low road' employment strategies, this tends to present clusters of employment problems, with clients reporting a catalogue of issues and instances of ill-treatment in the narratives of their grievance formulations. As with the example of health and safety issues above, the immediate category of the dispute tends to be the tip of an iceberg of latent discontent. ERC were thus founded in recognition of the tendency for the severest employment problems to present themselves as clusters of issues for individuals and the need to address these clusters holistically. ERC clients tend to suffer a range of forms of ill-treatment before they are moved to formally challenge some aspect of

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[26] i.e. who obtain public funds for regional development and the like to bring employment to particular areas.

it. This can be seen in the breadth of the employment problems interviewees described, as distinct from the narrowly defined issues contested in grievances, or subsequent tribunal claims. The following section outlines the types of problems clients presented to the centre, underlining common themes that emerged across the narratives.

5.3 Problems at work

Clients generally came to ERC for advice and support about things their employers had done which they considered might be illegal (often on the assumption that 'bad' behaviour by employers *must be illegal*). They presented a wide range of employment problems, from those fairly clearly covered by law, and fairly easily recognised when infringed (e.g. failure to pay the national minimum wage, unpaid wages, not being given a contract of employment) to more complex, difficult to evidence issues (e.g. complaints over unbearable work intensity, being given insufficient training to carry out a role, victimisation for trade union activities). Grievances were raised in relation to various ostensibly discrete jurisdictions (e.g. disability discrimination or unsafe working practices), but these focal categories tended to belie bundles of problems. Specific incidents of ill-treatment were recounted whilst stressing that these were but one instance of ongoing problems. A cleaner reflected on one episode of a generally abusive situation, "that just tells you what I'm up against." A Bank teller (2) felt, whilst she had partially resolved one aspect of her problems at work, "you were just waiting for the next thing to happen." Like the straw that broke the metaphorical camel's back, it was typical for clients to be brought to the point of raising a formal complaint by a specific incident that was simply the latest development of an on-going scenario:

"It built up, an accumulation of stuff and I thought, 'I'm not being like, not only treated badly, but spoken to in that manner'... basically things that he'd made us do over the years, and the way he has treated us, his bullying and stuff like that, some of the stuff I'd told you about the health and safety... I felt, 'pfft! That just shows you'." (Technician)

A strikingly common feature of these narratives was the summation of treatment by employers under the term 'bullying', encapsulating various incidents and forms of mistreatment. A bank teller (1) summarised her situation thus:

"Basically that's my story, you know. The company were just bullies. That's the best way I can describe them. They just used all their muscle to trample you down… I keep saying 'bullying tactics', I can't think of any other way to describe it."

A colleague of hers (Bank teller 2, who came to ERC with similar issues) expanded, saying the organisation was "very cut-throat. I feel there's no warmth between management and staff. Actually, a lot of bullying goes on." There was a widespread sense that 'bullying tactics' were often passed down from senior management. A bakery manager, said of her area manager: "She was obviously getting it tight from the head ones. She was takin' it out on us." One of the bank tellers (1) described a similar process:

"We could see it in the branch, he [line-manager] was being bullied as well. There's always somebody up the chain… He was a strong character before, but you saw the changes in him. And I think he was just looking after himself."

Whilst a few clients felt singled-out by line-managers, the majority saw 'bullying' as a systemic tendency, and thus a collective issue that was nevertheless responded to in individual ways. A cleaner for the local council emphasised that colleagues were subject to similar forms of ill-treatment: "It's no' just me! I mean, others… have just packed it in. They couldn't go the distance." ERC became aware of employers who were 'repeat offenders'. Indeed, from the recurrence of problems with certain employers they had gained a sense for the deeper issues that underpinned the difficulties presented by clients:

"Sometimes we see the symptom rather than the cause. We have a fairly extensive knowledge of the local labour market. We can almost tell- at the risk of sounding arrogant- we can almost tell from the factory it is… we normally know what it's about. People who come in from large places, all with the same issue, we've got that."

Frequently, interviewees related the roots of their problems to factors at the organisational level, such as the increasing uncertainty, flux and restructuring associated with (product or service) market pressures in addition to a generalised sense of lack of respect and voice for workers.

Whilst clients may to some extent have drawn the term 'bullying' from representatives' formulations, it was nevertheless highly resonant with their experiences as they recounted them independently. For ERC representatives 'bullying', as an abstraction of clusters of

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problems at work and the vulnerability of workers, was unambiguously related to the decline of collective workplace organisation and representation, and increasing assertion of managerial prerogative. Speaking of the void of workplace representation left by union decline, a trade union rep commented:

"It's given management, lower management in particular, a blank canvas to do what they want with workers- *that is* bullying and harassment, or call it what you will, they can come up with fancy names for it. At the end of the day, so many people are afraid to go into their work… but too afraid to stay off… it's the insidious wee things, another wee thing, and another wee thing… Somebody's giving them a hard time everyday."

An underlying narrative emerged from the data of bullying as the use of fear or excessive pressure as a management tool, with associated fear over raising grievances, and of treatment within grievance procedures and processes themselves. The 'fancy names' mentioned referred to new management practices and 'HRMism' which merely dressed managerial prerogative in a new garb. This reflects a common issue facing workers, but it is worth digging into the concrete personal troubles that result from it.

5.3.1 The "Bullying Regime": unpacking the term

Regardless of the particular legal jurisdiction within which clients raised disputes, or the ostensible category named in grievance expressions, 'bullying' emerged as a central motif of most narratives, encapsulating a raft of management tactics that exploited insecurity in some way to drive performance or ensure the acceptance of changes unilaterally imposed by managements. This can be discerned in relation to the aggressive, disciplinary use of performance management, absence management, 'managed-exits' and a general lack of voice. The particular way 'bullying' manifests itself varied in different types of workplace and organisation. These themes are explored below.

Many clients described how routine performance management often had a bullying character. A bank teller (1), whose dispute grievance regarded changes to terms and conditions, reported the setting of unrealistic targets combined with naked threats to replace her should she fail to meet the required standard. This resulted in her frequently working unpaid-overtime, impacting upon her family life. She noted that her treatment

deteriorated following the economic downturn, with heightened insecurity about labour market prospects:

"I think that the [other] employees feel the same way that I do, that there is less of a chance of picking something else up just now- the way the economy is. I think management knows that and knows they can bully a bit more to get what they want out of people. I definitely think this has had a huge effect on the way things are at work… one of the management team actually said that people were being paid-off in a different bank, and that if we couldn't step up to the mark, there were plenty of other good people there who would come and do it."

Threats and intimidation were also commonly reported in relation to attendance. A bakery manager commented: "if anybody phoned in sick, that was a big fault. 'Oh, well, the next time you'll be sacked' and things. And people were *genuinely* no well!" ERC's manager elaborated how absence management policies were increasingly being used to inspire fear in employees and discourage people from taking sick-leave to the extent of discouraging absence for legitimate illness or incapacity:

"Workers are basically under attack. Even when there is no sick-pay involved, which is the majority… these policies are there as a deterrent. They're not there to manage absence. They're there to make sure that people who are on the sick will come back to work and say, 'Christ! I had to phone in sick to work every day, and they called my house', and all that kind of stuff. That's what the real purpose of this is, to drive down absence numbers."

Arbitrary application of absence policies was reported by both representatives and clients as a major issue. Where individuals would reach a certain level of absence this would trigger a management process that often failed to consider individual needs or circumstances and tended to lead to additional stress. This was particularly problematic in relation to mental ill-health where frequent contact between the absentee and employer was not always appropriate. In many cases, bullying through excessive absence management became a secondary problem where workers were off work due to stress *brought on by* more general ill-treatment at work, and/or the process of disputing it. An accumulating sense of injustice at this point often then dove-tailed into disciplinary or capability processes. One cleaner reported being targeted and constantly bullied because he was on the more generous terms and conditions of an older contract than the majority

of his colleagues. When he informed his manager at the end of one shift that he would not be in the next day as he needed to see his doctor (in relation to stress and depression), he received a letter informing him that 'his resignation had been accepted', aggravating his existing illnesses. A technician described how the stress he felt over unsafe working practices and the process of disputing them led to his being on sick leave. After dismissing his initial grievance over safe working practices (without, he felt, proper investigation or fair hearing), the company used capability procedures to manage him out of the organisation. He reluctantly accepted a severance settlement on medical grounds without being able to fully address what he considered to be the primary issue.

'Bullying' also emerged in representatives' characterisation of employer policies which increasingly blur the distinction between the management of genuine sickness absence and disciplinary processes:

"It used to be a 'consultation' meeting. It's now 'consultation/discipline'- they've put the word *discipline* in it. I'm like, 'what's this? Why have they put you on a disciplinary?'. 'Oh, well, it tells you it could be a matter for discipline'. I say, 'aye, absenteeism, illegitimate absenteeism, the Monday club[27], I can't defend that. But if somebody's off with genuine absence--, that sort of thing, the bullying, it's all part of the bullying regime" (ERC Rep)

The most cynical reported aspects of this cluster of 'bullying' management practices (reported by representatives, and perceived by some clients) was the increasing appearance of 'managed-exits'. Here, disciplinary or capability procedures were applied increasingly stringently to reduce headcount whilst avoiding payments for redundancies. People were either sacked or pressurised to resign. A number of clients felt that this had been an element of their treatment either because they were 'expensive' as more senior workers on relatively generous terms, they had an underlying health condition that required adjustments to work or the workplace, or because they were viewed as 'troublemakers' who had the audacity to question some aspect of their employment or management.

The increasingly punitive character of performance management was viewed by ERC as a long-run tendency, which had been accelerated by the economic downturn, as managements sought new ways to cut costs. An ERC representative expressed his disbelief

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[27] i.e. illegitimate absenteeism.

at increasing cases where senior managements (in the public as well as private organisations) were forming plans to manage-out groups of people whilst avoiding redundancy processes (and payments):

"The rise of cases that were coming to us- it was premeditated- before they even sat down and tried to negotiate this with the trade union, they've put their plans in place. It's frightening. That's people sitting down and saying, categorically, 'we're going to get rid of these people'."

Such practices appeared with varying of degrees of sophistication. In larger organisations, with HR departments and formal procedures, it tended to be dressed-up procedurally. One warehouse operative felt that a large, multi-national distribution company he worked for attempted to collect a dossier of misdemeanours to threaten him with after he made his trade union membership known. Thus, the employer would be able to dismiss him, ostensibly having gone through proper disciplinary or capability procedures whilst at the same time hiding the real basis for the decision:

"I was walking on egg shells. You had to watch your back, you had to watch what you say, they would test you… they try and wind you up, get you to react, and get you to accept it, so that it goes on your record, so that it just builds up and builds up. So that when something does happen, you know, they can whip it out, and say, 'ssshhoom! It's all there!'"

Sophisticated employers often skirted the fringes of the law, burying unfair treatment within what appears on the surface as 'due process'. In smaller organisations, lacking specialist legal, or HR departments, there were reports or more flagrant infringement of basic employment rights and reports of bullying tended to involve public humiliation, intimidation and shouting. One bakery manager felt that she (and colleagues) were 'bullied' and threatened to force them out of the organisation without having to pay redundancy.

"I was going on being there 9 and a half years, and I think they knew they were going to go into redundancy. Rather than pay me redundancy, they wanted me out the door first… They just tried to get us out the door 'cause we had the most years."

Being treated in such a manner could have severe impact in a number of respects. The impacts of difficulties at work related to client's physical and mental health, their family life

and social relationships, financial loss, and unemployment or career derailment, which often conspired. Whilst the sample excluded those who were considered too traumatised to participate, many clients reported being on the verge of breakdown shortly before attempting to formally challenge their treatment, or during the process of raising a complaint. It was not unusual for clients to be in tears during research interviews. In some cases, clients' general practitioners or psychiatrists had advised against returning to work and even raising grievances because of the impact it would have on their wellbeing. For one cleaner, "it got that bad, I had to go off on sick leave with depression and stress… I was really heading for a nervous breakdown 'cause they were doing everything to get me out the door." While this man was able to, as he saw it 'survive', for some months until he was due to retire, a technician was unable to go back to the same workplace: "When I did leave I was so stressed you wouldn't believe it. I went to my doctor and he said, 'you can't go back there anymore!' It led to me being really depressed." One bank teller (1) said she could not even hear the name of the employer without feeling panicked and upset.

Such distress destroyed confidence, and for some clients the capacity to re-engage in employment. Where grievances became protracted, it invariably impacted upon personal, familial relations. Sometimes financial hardship (e.g. as the result of job loss, unpaid suspension, unpaid wages, or having to rely on statutory sick pay because of work and dispute-related stress) compounded initial problems at work and lead to worries about the ability to meet living costs. These impacts typically lasted months and years. Bank teller (1) was angered by the fact that she "*still* wasn't getting over it," a year on from her leaving the company, still seeing her doctor and taking medication. These effects bled into broader negative socio-economic outcomes through effects on labour market participation, benefit dependence and anti-social behaviour associated with coping with stress and depression (e.g. alcohol and drug abuse).

5.3.2 Grievance Handling as Secondary Conflict: 'bullying' as lack of voice

Closely related to primary employment problems were secondary problems encountered within the process of raising grievances. While the impact of initial employment problems was often severe in and of itself, suffering was compounded by the process of attempting to raise a grievance where managements were unhelpful or even retributive, punishing

those who questioned them. The use of fear as a performance management tool was closely related to fear of disputing, as clients expressed their concern that managements that were so ruthless in controlling their work were unlikely to encourage dissent. The primary problems clients wished to raise frequently concerned being made to feel insecure or frightened in their daily working lives were then replicated in attempts to resolve them.

Clients' lack of voice in their workplaces generally, and of fair and transparent handling of grievances in particular were prominent themes. A semi-conductor operative found a situation where "there wasn't really any grievance procedure that I know about. 'Just be grateful you had a job', that was it." A Bank Teller (2) described how questioning management appeared so illegitimate that she was fearful of even sharing dissenting views with colleagues:

"I've been wary of speaking to other people... If people were genuinely asked, away from work, how they felt about it, they'd all open up. It's not the sort of environment where you could say, 'look, this is nonsense', you know, 'I just shouldn't be doing this' [unpaid overtime]. You just know you would get the wrath of that in some other way. So, it's not worth saying anything, which is quite sad."

In addition to thwarting any form of mutual assurance among colleagues, in some situations managements were seen to exploit insecurity to pressure workers to quash grievances raised by others. A technician felt that his colleagues' fears of reprisal were used to force false testimony against him:

"[My employer] had actually got some of the workers to go on their side and say they felt it was safe with these practices, say that they didn't do this and they didn't do that, so basically putting them in fear for their jobs… the lies they came out with were just incredible. I couldn't believe it. At some of the meetings I pointed out, 'how can you get him to say that? That's totally lies!' 'Well, that's what he said happened, he said it was safe, he felt safe, doing this job, doing that job'. Pfft! *How he could possibly disarm safety equipment, and then say you feel safe!*"

'Bullying' was also mentioned in relation to the way grievances were handled (or rather, *not* handled). For one Bank teller (1), attempting to resolve her grievance "was horrendous, it was horrible the whole thing. As you went through these various stages, it didn't do your health any good!" Clients frequently referenced employer obfuscation in handling disputes,

causing additional anguish. Employers: were "not forthcoming with information" regarding policies and procedures, falsified statements and other documentation, 'lost' correspondence, delayed meetings, and intimidated grievants within hearings. A warehouse 'picker' described how line- and human resource managers colluded "to cover their backsides," making it look as though management had acted fairly by going through the procedural motions as set out in Acas' codes of practice. One of the bank tellers (1) felt that her manager bullied her during her grievance hearing, believing that a combination of circumvention (by delaying and avoiding the hearing) and intimidation (through the emphasis of that of ultimate managerial authority) would silence her:

"No matter what they say about how they sugary-coat things, they don't care! They tried to make out that there were meetings, various meetings… *there wasn't any meetings!...* they did delay tactics all the way through. I don't know why. I was still very upset about it all. I was not very prepared for it all, at all, and I crumbled. And I think that's what he expected."

From accompanying clients in workplace hearings, ERC reps also saw bullying taking place within the process of disputing. An ERC rep described his role thus: "I cannae speak on behalf of that person, I can only make sure they're no bullied, they're no harassed." He added that clients were, fairly regularly, disinclined to formally dispute ill-treatment, through raising workplace grievances and had even more trepidation about tribunal claims: "They turn around and say they don't want to go to tribunal. 'But you've got a good case?' 'Nah, I'm feart. I don't want to go'. They just walk away."

A number of clients' were not fit to withstand the grievance process. An addictions officer explained, "I had said [to the tribunal service that] on the advice of my GP and my psychiatrist that my health wouldn't cope." A bank teller (1), had made an application to tribunal but withdrew it shortly before the hearing and made a settlement, not because the case was weak, but because of the anticipated stress involved in the process:

 "It was maybe just about 10 days, maybe even less, before the meeting, and I was a total wreck just because I knew what was coming, and I said, 'I just don't think I can do this'… I ended up just taking a pittance basically, and just got myself out of there completely, because it was my health at the end of the day."

Few clients, even those who had 'won' at tribunal, regarded the various discontents underlying their grievances as having been fully resolved. Frequently, there were further

negative impacts from having raised a grievance where the stress involved in disputing impacted individuals' capacity to engage in the labour market and therefore, broader impacts on the social health of the community. Bank-teller 1 expressed anger at her employer's unwillingness to provide her with a reference, adding to the loss of confidence she suffered as a result of her experience of disputing. "It's had such an effect on my health, and that angers me as well. I *do* want to work again, but that does worry me, you know. Is that me now scarred basically from getting another job? Because I couldn't do what my employers were basically bullying me into doing."

Given present labour market circumstances, additional hurdles to getting a new job should not be underestimated in importance. The main outcome one office assistant wanted from an appeal to a dismissal she viewed as unfair and discriminatory (amongst other issues), was simply to secure a reference that gave a fair representation of her employment record. For most clients, there was an enormous sense of relief on attaining another job- they slowly regained confidence that the problem(s) experienced had not been their fault, or that not all employment was as problematic. Over a year on from her dispute, Bank-teller 1 still felt she was not ready to re-enter paid employment, but was rather recuperating and rebuilding her confidence through voluntary work. In other cases, individuals had seen their career trajectories derailed towards jobs of poorer quality. A finance officer who had had supervisory responsibilities before she was forced to leave, was working on a part-time, ad hoc basis in a hotel and was still looking for another 'proper' job around a year on.

ERC representatives stressed the wider detrimental effects on the economic and social health of the community that resulted when disputes displaced people from work and led to negative spirals of unemployment and other ills: "We've got drink-related problems. People who have worked all their days, suddenly on the dole, or sacked for the least wee thing… And then the impact that has on his house, on his family. So all that's got to be considered" (ERC Representative). Where serious problems at work go unchallenged, the impact on individuals in terms of mental and physical health and financial security can be grave. However, the impact of ill-treatment by employers, particularly where issues are not resolved has much wider effects on the community and regional economy in terms of joblessness and related negative labour market outcomes.

5.4 ERC as a Grievance Formulator: "Acting for Non-Union Workers the Way a Trade Union Would"

In 2013, ERC saw 737 clients (an average of 56 new individuals each month) in addition to coordinating on-going casework and campaigns. However, beyond basic descriptive statistics, there is no readily available measure of what ERC *does for* the people it helps directly, or the many more it impacts indirectly- "It's very difficult to quantify it" (ERC rep)- particularly their campaigning work. ERC position itself as a 'unionate'[28] organisation that goes beyond helping individuals, towards formulating discontent collectively, building campaigns to address the collective issues underlying personal troubles. Their approach illustrates the deeper issues that underlie the presenting problems they see from clients.

A key component of ERC's impact may be to act as a *deterrent*, as with the threat of 'naming and shaming' employers in the media, ERC may impact employer behaviour without directly intervening in particular situations:

"It's difficult to say what the kind of soft-indicator is. We don't know how many people have never put policies in 'cause they know that the workers would come to us and there'd be a reaction or that. So it's difficult to gauge that. But I suspect that that has been a player in some of the workplaces- they've not fancied getting embroiled in bad publicity."

The existence and activities of ERC may shape employment and workplace relations in hidden ways, but the qualitative impact ERC's work has on workers and their grievance trajectories was evident. Most of the workers interviewed simply would not have raised grievances without the centre's help, in the main because they did not have the knowledge or confidence in how to articulate them. One fairly immediate and basic impact ERC has on clients is in helping to relieve the stress and anxiety associated with not only problems at work themselves, but also considering how to address them: "They took all that stress off me… 'cause, I was really heading for a nervous breakdown" (cleaner). Workers were often vexed and daunted by the prospect of navigating available information on employment rights and protections. Many individuals stressed their reassurance at having someone with significant knowledge of the law hear their problem and formulate it, often translating any legal implications. However, ERC does not encourage 'legalism' in the formulation of

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[28] Unionateness is a "measure of the commitment of a body to the general principles and ideology of trade unionism" (Blackburn and Prandy 1965: 112, see also Blackburn 1967).

grievances as this is often not the most effective way to formulate clients' problems. Rather, ERC always seek alternative courses of action where they may be viable options and this would involve different formulations. Unlike legal professionals, ERC assist whether or not there is a legal 'case' that could be claimed, feeling strongly that employment law is weak in protecting workers- that workers' treatment might be unfair even though it was legal. In such instances, ERC uses campaigns to highlight abuses rather than raising grievances that would likely fall on deaf ears- this would involve formulating discontents differently, in a less personalised fashion, as outlined below. The following considers ERC's activities and how different courses of action translate into different formulations of clients' complaints.

Accompaniment in workplace hearings emerged as a key benefit for most clients, who stressed that without such assistance they would have been unlikely to mount a challenge. The impact of accompaniment should not be underestimated as this helped ensure procedural fairness for clients, so that grievances were heard and given due consideration, and where quashed, a reasonable justification was given. In absence of the sense that grievances had been genuinely heard, embittered clients would sometimes find it hard to move on and re-engage in the labour market. ERC impacted employer behaviour, both directly where centre staff and representatives, acting with a mandate, intervened in disputes, and more indirectly through empowering clients to represent themselves or assert their rights in some way. Impacting employers could refer to calling an employer to secure unpaid-wages or negotiating a financial settlement. Clients reported many incidents where the entrance of ERC staff into matters made an immediate, palpable difference to employer behaviour. This was often because ERC had stated the grievance in a way that displayed to employers a knowledge of the law or made clear demands:

"When [centre manager] sent that letter, that's when they came back into line and started going through the book, like started doing it the right way, going through the way a company should, to the letter. Whereas before, they thought they were above that. They thought they could just— 'you're fired! Beat it!'" (Technician)

A crucial element of advising and support clients was formulating their discontents into coherent and efficacious terms to present as grievances, in applying to tribunal or in some places relaying the issues to the media to pressure or shame the employer. This meant

actively listening to clients' narratives of discontent and summarising as well as selecting pertinent elements. Bankteller2 gave an example:

"[Centre manager] did letters for us in a format that made the company really sit back- which was wonderful! He did it, explained it all to us, said, 'you maybe *want* to write this, but, you're better putting it this way than the way you've written it yourself, leave this bit out, put this bit in'. He was really helpful to have then because you didn't want to make any mistakes or make things worse for yourself… I went into the meeting and practically read it, and they knew, from the language that I was using that I'd sought advice… and [her manager's] attitude has completely changed."

Different forums were seen to require different types of formulations. Thus grievance formulations had to be clear and concise to show employers that clients knew what they were talking about and that they were serious in their demands for fair hearings or particular resolutions they were seeking. Where a case was 'strong' and the client's relationship with their employer looked to be severely strained, a more legalistic formulation might be used, stressing the potential for a tribunal claim. Filling-out a tribunal application would then require another level of legalese in the presentation of discontents. These narratives were always detailed and highly personalised. In contrast, the centre also seeks to collectivise issues, using media campaigns to exert pressure on employers. Here, formulations were necessarily more abstract, hiding personal details that clients had brought to ERC, so that workers would be protected from reprisals.

Through listening to clients, formulating their discontents and coaching them in assertiveness, ERC helps clients to state their cases confidently, and also instilled lasting consciousness in many of them. Bank teller 2 explained how framing her experiences in relation to her legal rights helped her articulate herself effectively to her employer:

"Even for us to approach our bosses and say, 'we *know* we have the right to do this', that really made them stand back. It was quite surprising- their attitude, once we did have the correct advice. Huge change, huge turnaround. So that was really good…Now [my manager] has a certain respect that wasn't there, and realises that 'I don't mess with her anymore'- it's not going to be stood for."

ERC helped to improve the way she was treated at work, and also developed her assertiveness to deal with conflict situations in future:

"It's empowering to know my rights now and what I can say and what I can't say- not from the point of view that I want to be a troublemaker, certainly not from that point of view. I just want to be treated fairly… [centre manager] did help me to see the way employers work and that side of things. I'm not going to do things that are completely out-with what I should be doing. I know now when I stand up, I think I feel more relaxed now, *because* I feel that I do have the information I need to stop things getting out of hand."

Likewise ERC developed a consciousness in a bakery manager who felt equipped to stop problems from arising and especially escalating in future:

"[Centre manager] made me a stronger person towards her [line-manager]. *I knew* she was out of order, I just had to hear it from somebody else. And [the centre manager] said, 'no, you don't have to put up with this!'… Even to this day now, he made me a right stronger person. Definitely, I used to just let everybody do what they want, and I would just do it. But now I think before I do anything."

5.4.1 Organising, Campaigning and 'Media Collectivism'

As part of a 'unionate' ideology, ERC takes a holistic, long-term perspective in its framing of individuals' situations and employment relations in the region more broadly. In addition to empowering its clients to assert their rights, the centre promotes union membership and workplace activism in order to link individuals to the support that can offer, towards lasting improvements to workplaces and organisations, not least so that the centre do not end up dealing with the same types of issues from the same workplaces repeatedly. Whilst ERC does recruit union members individually, the impact in terms of organising workplaces has been limited, with some clients understandably sceptical of the benefits of unionism where there were few other members in their workplace. Cooperation with unions is not always straightforward as officers are rarely willing to devote resources to organising campaigns that may be lengthy and uncertain in terms of membership gains and recognition, and some view ERC as competition to 'recruit' workers in need of assistance (who get free help from ERC).

A central plank of ERC's campaigning has been to defend jobs in the region- preventing every job loss is seen as a collective good in terms of preventing the further deterioration of

the labour market. ERC's intervention offers clients alternatives to simply leaving jobs in which they experience problems or accepting (unfair) dismissal, making resolving grievances with their employers a feasible option. Two bank tellers were at the job centre considering quitting their jobs and finding new ones when an adviser there recommended they approach ERC. On doing so, the centre manager encouraged them to consider attempting to raise grievances with their employer rather than walking away[29]. A central goal for one ERC rep was "keeping people in work. That's the important part of it… [clients'] first instinct is, 'I'm off'! Walk away!" As mentioned above, where employment does end, a variety of negative trajectories tend to ensue for the individual. Clients were often unable to immediately pursue new employment as a result of the stress of their experiences both as a result of the primary employment problem(s) and the process of disputing itself. A number were on benefits following termination of employment, unfit to re-enter paid work, or struggling to find new work; in both scenarios a significant loss of confidence ensued. A centre representative explained this impact and how ERC intervenes in such circumstances:

"In most cases, they've been sacked or they've been disciplined… they feel they're not worthy. By the time you're finished with them, they say, 'well, no! I could still get a job somewhere! I'm still part of society'! They don't go home and brood in the house."

People arrived at ERC distraught, anxious and depressed "go away with a more positive attitude about their future" (centre administrator). Without a degree of vindication, there was often great difficulty in putting events behind them and gaining the confidence to re-enter the labour market. In this way, ERC helps prevent people from falling out of work or becoming displaced from career trajectories.

Post-recession, the *collective* good of keeping people in employment has been magnified in importance. Jobs vacated would sometimes disappear, aggravating the problems of high unemployment and relatedly, pressure and the sense of job and work insecurity that leads individuals to accept ill-treatment:

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[29] Whilst Bank teller 1's differences with her employer proved irreconcilable (she left, submitting a claim to tribunal which was settled before a hearing), Bank teller 2 was able to continue and reported that her treatment had improved. For the cleaner, ERC allowed him, as he saw it, to prevent his employer from 'pushing him out of the door': "I wouldn't be in a job now if it wasn't for [ERC]. They would have got me some way, one way or another."

"If that person was to leave the job, it's not necessarily a follow-on that another person would be employed. The employer would say, 'well, we've run without it for three weeks, four weeks', and it puts more stress on the rest of the employees, and it's another job away from [region], and someone else no earning money." (ERC representative)

The interrelations between employment issues at the individual and collective level comes into visibility in ERC's campaigning activity. As the manager explained:

"You can keep treating people as individual and letting them suffer as individuals, but unless you you're doing the strategic stuff- the campaigning and raising awareness in particular factories- then you could just sit and receive victims all day."

ERC employ 'media collectivism', using the press to publicly 'name and shame' large employers who they saw repeatedly or where similar problems affected a number of workers. Here, individual experiences had to be formulated in a way that anonymised them and stressed their collective nature, abstracting personal details. This tactic is discussed further below in relation to surmounting the limited legal protection available.

5.4.2 Constraints on ERC's as a Representative Actor

There are limitations in terms of what ERC is able to achieve and the constraints within which it must operate, including resource considerations and issues associated with the coverage of employment rights, but also more fundamentally stemming from its externality to the workplace, and workplace organisation. Representatives stressed that ERC needed greater staffing and volunteers to deal with the workload of clients, particularly case-workers that simply cannot be afforded (on a paid-basis). Such resources constraints have meant that ERC has had to prioritize certain activities, such as accompaniment in workplace hearings and drop others all together such as representation at tribunal. Centre staff also felt that there were a number of areas in which they would like to be more proactive such as out-reach in the community and developing better metrics and databases to capture the positive outcomes of its work. However, serious difficulties emanate from the nature of problems clients bring and the limits of the law to protect them. It should be noted that people coming to the centre are more often than not at the point of dismissal or resignation from their jobs, so resolution (e.g. 'winning' some compensation at tribunal) is

nearly always bitter-sweet. The tendency is for a number of problems to accumulate before people are moved to challenge them, and then only partially contesting aspects of them using available legal conceptions and the strictures of grievance procedures and the tribunal system. Furthermore, this does little to instil lasting changes to workplaces or make clients future employment any better. These are expanded below.

ERC had concerns that the time-span of their interventions may be finite and the extent to which workplace regimes were altered was limited. ERC's manager described how there was a tendency towards slippage in the reformation of employers' behaviour. He pointed to the difficulties of changing engrained employer strategies and stressed that this was one reason why the promotion of self-organisation among clients, to take back to their workplaces and maintain a baseline of fairness, is a key aim:

"The systematic bullying in some of the large factories [often goes unchallenged], that's where our intervention does not seem to have made a great deal of difference because it's so ingrained in the strategies. But what we try and do is organise the workers, try and get them to raise grievances. It's difficult to say what the fix is. Whether it sort of gets better for a while, and then it slips again- that's usually what we see- a sort of improvement or a retreat from being so active in pushing these unfair policies through. Then they just regroup and come back again, a year later. That's how it goes."

Considering *how* and *why* particular problems emerge, it was pertinent to ask whether it appeared to ERC and its clients that ill-treatment was the result of employer ignorance, or flagrant abuse of employment rights. Thus, did the employers of ERC's clients represent a rogue element? A number of clients referred to principles of natural justice (whether treatment was 'right') as opposed to judicial reasoning, but few believed that their employer's infringement of their rights was down to ignorance. Situations where clients came as a result of a genuine lack of understanding of the law by employers were the exception, not the rule. In the years leading up to the financial crisis, representatives felt that they had seen a general hardening of employers in their treatment of staff and in their handling of grievances in particular- existing policies and practices are applied with more vigor and thus more arbitrarily-where there was previously room for some flexibility for employees (e.g. time off for dependents), this had gone. Add to this the pressures of organizational uncertainty about markets or revenue streams and related restructuring and change.

ERC is compelled to find ways to go beyond mere reliance on individual rights and the threat of tribunal to challenge intransigent employers. Whilst they are constrained to operate within the limited floor of employment protections, they also find more unorthodox means of leveraging employers through campaigning activities, particularly the use of the media to publicly shame injustices that local workers are facing, and publicly shame employers who flagrantly or repeatedly mistreat workers[30]:

"We believe that just because something's legal doesn't make it fair. These are the areas we identify for campaigns. I would say, 'regardless of what it says in your contract, this is having an adverse impact on your workers, and I'm going to highlight that'." (Centre manager)

In such moves, the media are alerted to improper employment practices in a way that attempts to appeal to a public sense of decency and natural justice rather than the letter of the law, as in the following example from a 2012 newspaper article:

"[ERC] has warned that many [such] casual employees were facing intolerable, but perfectly legal, conditions. [ERC's manager], said he believed such practices were 'immoral and obscene' after his group was contacted by workers. He said: 'To stop a worker's wages part-way through a shift is unacceptable. Some workers having their wages stopped during the nightshift have no option but to sit on site until public transport starts'."

By garnering 'media collectivism', ERC seeks to foster solidarity and draw from a network of contacts and alliances to assist in campaigns (i.e. unions, STUC, Hazards, politicians, academics). Another benefit of this strategy is more immediate action than is available through the tribunal system, as in addition to the limits of employment protections, the centre manager spoke of the problems of the lengthy and bureaucratic process of tribunal claims: "Going quietly through formal channels often allows the steam to go out of it. Procedures take too long. Shaming in the media works for big employers that have a high profile" (centre manager). He added that unfortunately, "in many SMEs much worse is going on," but that such employers tended to show less concern for any reputational damage that might be incurred. This tactic had been successfully deployed a number of

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[30] It should be stressed that ERC only move to name an employer in the media after clear warnings and failed attempts to give workers' grievances a fair hearing.

times to change employer practices, sometimes recouping owed wages or redundancy payments without recourse to the law[31].

Whilst ERC staff view employment protections offered by the law as very limited, they are nonetheless important and recent and up- coming changes to employment protections are a worry:

"They're eroding the rights under employment law that we've based a lot of our work on- saying, 'we can do this. We can help you because the law's on your side'. It's no longer on your side, and that's going to be the big, big difference in the coming year. What I've found, in the last couple of years, is that employers are becoming more and more confident, because they believe that they've got the law behind them" (ERC Rep).

Even before the recent withdrawal and restriction of a number of employment rights[32], a fundamental constraint of statutory employment protections as a resource is that they are not necessarily well suited to the reality of the experience within the workplace. The complexity and multiplicity of employment problems as they tend to manifest themselves, is in marked contrast to the individualistic rights framework and the requirement of the tribunal system for the selective articulation of narrow and neat formulations of employment problems as if they were experienced as discrete incidents or infringements. The current dispute resolution regime allows only partial contestation of what are often broad and clustered discontents faced by workers, particularly at the bottom end of the labour market. Clients frequently summated numerous forms of ill-treatment as 'bullying'. However, bullying was not what was directly challenged. This is perhaps more readily explicable in relation to tribunal applications, as there is no *direct* jurisdiction under which to raise such a dispute. However, it is more curious in relation to the categories of disputes at workplace level. It seems, lacking the power afforded by collective organisation and confidence to challenge what were viewed as the underlying causes, individuals formulate grievances in narrow, individualistic terms attaching them to legal jurisdictions, particularly those that can be more readily evidenced in most cases (e.g. unpaid wages). However,

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[31] A very significant campaign involved a large multi-national organisation to investigate the health and safety of work processes and materials used in them- the first study of its kind in the industry- leading to compensation awarded to workers whose health was affected.

[32] Such as the extension of the qualifying period for unfair dismissal and fees for employment tribunal applications and hearings in 2013.

these tend to only capture elements of problems encountered and 'bullying' resonates more with the broader experience of discontent within an unequal power relationship.

Employer intransigence pressures ERC to formulate grievances legalistically from an early stage, in order to present clients' grievances in a manner that acceptable to the tribunal service (i.e. involving narrow, neat formulations of events and facts). Clients expressed how unsatisfactory a representation this involved. In relation to a number of problems one bakery manager experienced, she had raised and won a tribunal claim under two jurisdictions, but felt: "I could have got them on a lot more, I really could." Representatives described the criticality of helping clients to articulate grievances effectively and the difficulties this posed for those likely to encounter serious employment problems:

"It became more important to make sure that everything was in the [grievance] letter... some cases were dismissed [by tribunals] for not raising specific points- particularly discrimination and stuff like that... lay-people who are in a non-trade unions setting, who were writing these grievances and they wouldn't include everything in it. Some of the stuff that happened was ridiculous. 'You didn't say this and you didn't say that'. You have lawyers arguing about what a sewing machinist or a car mechanic wrote!" (Centre Manager)

5.5 Preliminary Glimpses of Workplace Regimes, Problems and Grievance Formulations

For all but one client, bullying was a central narrative but not something that tended to be raised in grievance formulations, or indeed seriously challenged within the organisations employing them. The exception, a finance officer (in a supervisory role) who made little reference to bullying, may be telling with regard to a tendency for different problems in different 'positions', as relating to both the size and sophistication of the employer and the status (or perhaps labour power) of the employee. The finance officer, who was the highest paid and educated of the workers interviewed did not feel the same sense of disempowerment or injury that the others did- her complaint was more that her employer had not followed the correct procedure or paid enough in redundancy - she did *not* feel that her treatment overall by her employer was an egregious one.

When asked about whether there were any patterns to the types of problems clients brought, ERC's manager suggested that whilst there are some objective differences in the types of ill-treatment clients faced in different contexts, there is also a degree to which an individuals' 'status'[33] shapes the aspect of their situation which clients seek to challenge, that is to say that both problems experienced, and what is contested (perhaps because of different levels of expectation) is stratified:

"There tends to be a sort of split, that's usually to do with post-code and status… I mean there are very basic problems in the small to medium enterprise sectors-shopkeepers not giving people their holidays, not giving them the minimum wage. So they are just not playing the game basically, *until they're caught*. Other ones, you get like from people in call centres, maybe junior management, suffering from stress, being in a difficult situation and passing it on. They come along, and a lot of it's to do with sort of bullying and sometimes clash of personalities and stuff like that. I suspect that probably happens in the sort of the SME sector as well- further down the line. But then, people there tend to be more interested in getting the right wages and stuff like that… Generally that's where you see the difference."

For those clients working in 'micro-firms', often in jobs that require few qualifications, employment problems tended to be at their broadest- there was little that was 'good' about the situation, but grievance formulation tended to be at its most narrow, addressing only one or two aspects, often the most naked abuses. Thus, one waitress outlined a catalogue of problems (e.g. lack of an employment contract, general working conditions, health and safety, bullying, working hours, minimum wage, to pigeon-hole a few) but was resigned to merely collecting her overdue holiday entitlement, despite being encouraged by the centre to claim constructive dismissal on numerous occasions when she came to ERC about the same employer:

"[Centre manager] asked if I'd like to take it to tribunal. *I could have went to tribunal*. I could have done constructive dismissal *a lot of times in there*. But to be honest with you, I

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[33] From the context of this quote and the whole interview, clients' 'post-code' is used here as a short hand to encapsulate what might include skill-level and its scarcity value, or labour market power with a combination of socio-economic class or income suggested by their post-code (i.e. whether they live in a 'well-to-do' area or a housing-scheme for example). This was a rough indicator offered by the interviewee not proposed by the interviewer. It should be noted that ERC take notes of peoples' post-codes at initial consultations to ensure that they fall within their catchment area that they are funded to provide a service to (the centre simply does not have the resources to take on more cases). From this then, staff would fairly quickly gain an idea of where these problems were coming from and an inkling into what the nature of the problem would be.

just wanted away. I didn't care. I didn't want to go through any more hassle. Nothing… So, I just said, 'I just want my holiday pay. That's all, nothing else. Just my holiday pay.'"

A catalogue of discontents normally accumulated before people formally disputed their treatment, but due to the strictures of dispute procedures, the requirement to dress the scenario in legalistic terminology, they are very frequently constrained to pursue some relatively minor, though easily proven issues.

By contrast, the finance officer, within a large multinational organisation (and the only interviewee not to make significant reference to bullying[34]) had a fairly discrete problem relating to her voluntary exit from the organisation and whether this would be in relation to a redundancy or retirement procedure and the associated amount of money. The narrative of her grievance was highly focused in terms of the aspects she was aggrieved about, and appeared relatively satisfied with the outcome of her dispute, a financial settlement with her employer rather than proceeding to a tribunal hearing. What was at issue was clear and obtainable, and thus the problem relatively tractable. Another professional, an addictions officer, did reference bullying by managers, but the main source of discontent focused upon having her professionalism questioned (and therefore her future employability) reflecting a more narrow aspect of her employment situation. When her employer accused her of negligence, giving no credence to a mental-health issue, she felt that "the fact that their reason for dismissal was gross misconduct and that I'd supposedly put a [client's] life in danger really, really got to me." For her, the main outcome she desired was to have her personal circumstances taken into account in order that this judgement be overturned. ERC felt that she had clear grounds for a tribunal claim under disability discrimination but she felt that the stress of the process would have been too much for her. In the end, ERC negotiated a settlement with her employer. This woman was not entirely pleased by the outcome of the dispute, having been prevented from having a tribunal hearing by ill-health, yet hers was a grievance that could have been relatively tractable in terms of addressing a focal issue.

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[34] Care was taken in interviews to avoid imposing terms on clients' experiences. However, as bullying emerged as an increasingly prevalent concept, it was introduced as a prompt towards the end of interview sessions if appropriate in the flow of conversation, and where (and this was rare) clients hadn't volunteered it themselves in connection with their treatment. A finance officer with supervisory responsibilities was the only client who did not feel it was particularly relevant to her.

Taking the difficult tribunal route may thus be more appropriate, or feasible in certain circumstances and for certain types of individual. A tribunal claim appears to be a more satisfactory means of expressing egregious experience where it was not the total employment situation that aggrieves the individual, and the experience of these types of problems tends to coincide with greater labour market power. This contrasts with the situation in which 'breadline' problems, such as non-payment of wages were raised (tending to be the main concern in minimum-wage jobs in micro-firms). It was not that this was necessarily the main, or a particularly representative example of their multiple discontents, but rather the easiest aspect to prove for individuals lacking the means to mount more significant challenges. The way the centre manager described particular pieces of legislation in terms of their usefulness was telling in this respect, picking up what might be seen as rights that are both basic, and relatively easy to detect when they have infringed: "*In the level that we operate at*, the national minimum wage has been useful, and the working time regulations have been useful- in guaranteeing people get rest breaks." The impact of the employment problems of clients in higher-skilled jobs by no means caused less stress or upset, but there is a tendency for problems here to be more readily identifiable as discrete issues, amenable to the jurisdictions offered by legal protections.

5.6 Conclusion

A range of diverse employment problems are presented to ERC by workers, but most can be reduced down to a sense of being bullied in some way by employers, aggravated by a lack of fair and transparent handling of grievances within the workplace. In most cases there is an accumulation of issues and mounting stress for individuals that lead to the feeling of being bullied, a term that was frequently used to encapsulate multifarious discontents. In different types of workplace this manifested differently. In a micro-workplace this might relate to fairly naked threats from an owner/manager, whereas in large, sophisticated multi-nationals this might be part of the organisational architecture in which there is little tolerance of any dips in performance or attendance.

However, 'bullying' was rarely a named category raised formally in grievance formulations because of the difficulty 'proving' it or achieving any kind of satisfactory resolution. Often

when discontent was widest- including the work and employment situation nearly in its entirety- workers were most resigned to contesting only a very limited formulation of it that which they would attempt to resolve, like the waitress who just wanted her owed holiday pay. Thus, what is encompassed by the term 'bullying' is only given limited articulation or redress. ERC was seen to help workers formulate their grievances from the discontents they experienced in both individual and collective expressions. However, there were limits in terms of what the centre could achieve as an external actor. ERC attempt to circumvent reliance on legalism in formulation by harnessing 'media collectivism' to pressure employers and aim at being 'unionate', feeling strongly that they are attempting to sweep up the mess left by de-collectivisation. Clients come to ERC primarily for information and advice, but ERC are needed because there is a 'resolution gap' (Saundry 2013) in the majority of workplaces that mirrors the 'representation gap' identified by Towers (1997) as left by union decline. What then of unionised workplaces, how do problems and grievance expressions vary and to what extent does union organisation impact this? This question is the primary focus of the following three chapters which present findings from comparative workplace case studies. The next section briefly outlines the intensive phase of research to be presented in chapters six, seven and eight.

Part II

The following comparative case-studies serve to highlight that grievance as a means of expression and their resolution is not equally problematic in all types of workplace; indeed, in some workplaces it barely registers as a cause for concern, whilst in others, it has become deeply burdensome (for grievants themselves with little hope of resolution, for worker representatives and presumably, for management). The following three chapters present workplace case-studies that were selected upon the basis of trade union organisation and strength, with a posited relationship between collective regulation and the way in which the grievance expressions are used- problems arising at work and the extent to which they are contested. The main sources of discontent currently experienced by workers in each setting and the extent of their expression are used as a lens to explore how collective and individual formulations of conflict interrelate.

Part II opens with 'Shipyard', a vestige of what might be considered 'traditional' employment relations. Shipyard is a predominantly male, manufacturing setting with long-standing collective bargaining arrangements. Grievances rarely become formal, and where they do relate to testing and *extending* collectively agreed rights, rules and procedures. Grievances that are filed are relatively discrete in nature, that is to say, their causes and solutions relate to narrow aspects of workers' situations, are clear and tractable. In many cases they relate to entitlements and concern lateral comparisons of equity, rather than a direct opposition to management. Overly zealous control and discipline by management do not feature as prominent concerns.

The following two cases of 'Teleoffice' and 'Bankcentre' were selected to display varying levels of union organisation. Both are both call-centre settings that have considerable issues with punitive performance management, which is experienced by respondents as emanating from 'bullying' managerial regimes. Teleoffice has around 80% union density, Bankcentre has less than a third. The degree of organisation and collective control is examined in relation to the nature of discontent and grievance formulations (the manner in which this is expressed or not). In both Teleoffice and Bankcentre, the grievance procedure is a highly significant site of struggle. However, at Bankcentre, the union more actively encourage the tactical use of grievance expression to bolster collective strength and demonstrate the breadth of collective issues, in absence of authoritative collective agreements.

Chapter 6:

Employment Relations and Grievance Expression at 'Shipyard': the 'Big ticket stuff', Bargaining and Building on the Collective Agreement

6.1 Introduction

The intensive phase of the research employs comparative workplace case-studies to explore how grievance expressions vary in different workplace regimes, what the main expressions are, how these are formulated as such and the contextual features driving particular configurations. It was posited, following a review of the literature and from the extensive data, that the nature of grievance expressions is likely to vary with the strength of workers' collective organisation. This chapter documents the case of 'Shipyard', a highly organised context in which formally filed grievances are rare. The findings are presented in three parts. Firstly, the chapter begins with an introduction to the research site, the nature of work, the labour process and the character of managerial control and union-management relations. This gives a sense of the workplace regime and the bases of conflict. Part two considers the nature of collective organisation, and how conflict is organised and articulated, centring upon grievance expressions as reflecting the collective situation of work, the position of the frontier of control and the extent of the aggregation of collective discontents. The third and final part uses the fallout from recent collective agreement on workplace mobility as a lens to explore latent tensions that remains unaddressed by either collective or individual conflict expressions, relating this back to grievance expressions that do arise.

6.2 The Research Site(s)

The case-study is comprised of three Scottish shipyards owned by a defence contractor where around 5,700 are employed. Shipyard forms a small part of a large multi-national organisation and has another two sites in England within the same business sector, employing another 2,300. The present employer took over the yards in 1999, but the industry has had a presence on or near the sites since the 1700s. At its height, at the turn of

the last century, shipbuilding directly employed around 100,000 people on or near the research site.

With 99% of employees organised in trade unions, Shipyard is a virtual closed shop. There are two leading trade union convenors at each of the two main sites, and around forty shop stewards in total, in addition to specialised representatives (e.g. for health and safety and learning). Originally, it was envisaged that only one yard would be studied, one trade and the union that represent them, but it became apparent that this was an artificial separation. The fates of various yards have always been closely intertwined, as are the bargaining concerns of the different trades. As the HR manager put it, it is not a case of, "'that's [Union A], that's [Union B]. It's, 'that's the convenors'. We're got quite a unique situation where they are not competing with each other for their membership." A 2010 agreement, which saw the company move towards increased mobility in the deployment of their workers from site to site as dictated by business requirements has also trivialised divisions. Indeed, the relaxing of what have traditionally been rigid and elaborate demarcations between trades and increasing flexibility on the part of the workforce in relation to the location of their work is a key theme to be discussed as part of the politics of industrial decline and the negotiation of the frontier of control between the management and the workforce in part three. In many ways, Shipyard is a vestige of the past- it is unusually densely organised, the workforce are predominantly male and engaged in manufacturing work. The work is physically demanding, workers take pride in their crafts, and in their endurance of extremes of cold, physical exertion and sometimes long hours, finding expression in an acerbic wit[35].

Building a ship involves thousands of workers and a multitude of skills, with different trades (draughtsmen, welders, electricians, plumbers, joiners, painters) in demand at different stages of production. A history of entrenched demarcation, goes some way to explaining why Shipyard workers are paid around 38% higher than the norm for the Scottish manufacturing sector, as workers have protected premiums around specific skills. The nature of the industry has always been one of "feast and famine" (Convenor 2, Site 1) with cyclical periods of full order books and secure employment giving way to short-falls in work

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[35] The highly masculinised nature of the workplace would be an interesting study but is beyond the scope of the research. Respondents did not report that there were significant issues or grievances associated with sexual discrimination or harassment. However, all respondents were male and it would be reasonably expected that women workers would have a very different perspective of life in the yards.

and retrenchment. An elaborate division of labour was maintained until recently to protect trades from fluctuating demand for labour, which has tended to pit trades against one another, entrenching demarcation (Thompson and Hart 1972: 20).

Shipyard has a single-table bargaining agreement with four unions. Partly in response to mergers of the central trade union bodies, organisation which was seen as deficiently sectional within Shipbuilding has been greatly simplified, with the number of unions being reduced from forty at its height (Thompson and Hart 1972: 19) to four main players today, who bargain locally and nationally, and lobby government on issues of interest. The unions have maintained a strong apprenticeship system and "craft sensibility" (McKinlay and Taylor 1994) that is respected by the company and attested to in political debates about the future of the site and the potential of the loss of skill that would ensue from its closure. Whilst the history of strong unionism and a number of dramatic disputes has left an imprint on Shipyard, employment relations have evolved considerably in response to industry decline and changes of ownership. Following re-privatisation in the 1980s, the unions lost influence, but at least at the local level, they have formed and worked to maintain a coalition of interest with management around safeguarding the yards, the central basis of a 'partnership' agreement. It has been well over a decade since there has been an official strike (although a credible threat remains present and was tabled in 2010, 2009, 2005, 2004 and 2001). The sites have also faced-off several threats of closure- one such moment during the 1970s where the unions successfully fought to save the yards is now looked back upon as a classic episode in working-class struggle.

However, Shipyard looks to be reaching another period in which employment relations are once again cast under the shadow of uncertainty regarding future defence contracts under government austerity. Furthermore, the upcoming vote on Scottish independence may also jeopardize Shipyard's present income.[36] Closure is an obvious worry for the yards themselves, but it has also raised wider political concerns over the loss of quality jobs, as well as the £225.7m the sites bring to Scotland in wages. Now as in the past, cyclical periods of uncertainty place the union leaders in a difficult position, attempting to "balance their overriding priority of keeping the yards open with the craft sensibilities of their members" (McKinlay and Taylor 1994: 293). The unions have been forced into making concessions. A

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[36] If Scotland became a foreign country in the eyes of the Ministry of Defence, its main source of business, Shipyard may no longer receive orders. Presently, the unions are beginning to question their reliance on defence contracts and are considering options for commercial liners.

major agreement in 1984 saw trade demarcations relaxed, with workers increasingly retrained and redeployed in response to shortfalls in demand. The present moment sees Shipyard moving towards increased spatial as well as functional flexibility in the deployment of labour to keep workers employed in slack periods between orders- a dynamic that is important to the nature of relations in the setting. Before returning to this, the next section describes the nature of work, distinguishing those aspects which are accepted from those which are sources of antagonism.

6.3 The Nature of Work and Sources of Discontent

Shipyard employs trades people (shipwrights, welders, painters, electricians) and office staff who provide administrative and corporate functions. The data focus on trades' people. In general, in terms of their narratives of their working lives, respondents painted a picture of a workplace regime in which, whilst there were discontents, people generally felt that they were *relatively* comfortable and day-to-day discontents were viewed as 'bone-picking'. In describing his job, one welder summarised it as involving the "usual gripes, nothing major. I don't mind actually welding. I don't hate it, and I don't love it. It kind of pays alright. It's decent money. I hopefully don't see myself doing it for the rest of my life." (Welder, Site 2).

Interviewees felt that by and large, most discontents were over fairly trivial matters. After mulling over sources of discontent for a moment, the same respondent expanded:

"Early mornings... I'm saying I don't like them, they're fine- it's just a sort of general gripe. Working wise, there's nothing in particular. There's various things annoy me on different days. Sometimes it'll be just going onto a job that's been left dirty, just wee things, nothing kind of massively that I think, 'I really dislike this about my job', it's just kind of wee things that build up and everything's kind of built up and then one thing begins to annoy me more than it normally does. There's nothing kind of *huge*."

The work was described variously as dirty, heavy, and dangerous. However, whilst fringe benefits and facilities could be seen to be improved, there is a perceived inevitability and acceptance of the arduous nature of the work (i.e. the employer was not blamed for this):

"It's just the conditions in which they're working in on the ship. You're never really going to improve it all that much… Last year, we had that cold snap, the night shift were working in the shed- they had the doors open for ventilation and it was 23 below! Some of them were touching metal and the union rep shut it down… but they've spent a lot of money on amenities- the areas for our breaks and our dinners. They've got tellies in them- spent a lot of money on that. But that's the work[37] not the job I guess. That's the nature of the thing. They can complain as much as they want, but it's something that's never going to change." (HSRep, Site 2)

A brand of sarcastic humour- a "sharp, self-deprecating irony" is particularly pronounced at Shipyard (Thompson and Hart 1972: 34) is used in coping with and enriching the working day. Indeed, a bit of teasing was a prerequisite for fitting in. One worker explained:

"I used to say, 'I don't want to know what qualifications you've got, just want to know how thick your skin was'… The good bits are the social interaction with your co-workers. You've always needed that with your workmates to get you through the working week. The sarcastic humour, acidic jokes, stuff like that. We play a game when we come back in January, 'Guess who died'. 'Do you know who died?' 'So and so was in Tenerife and they had a terrible accident'. 'That's terrible, I'll put a couple of pound in'. And then the guy walks in, he's just late that day… His box has been broken, tools had been scattered to the winds- nothing he could do! Your day would be a lot harder. In particular, you're up in the dark, worked your paid hours, back home in the darkness." (Electrician, Site 2)

Management had attempted to curb some of the more 'excessive' expressions of this 'banter', with new codes of conduct and Ethics policies [38]. One representative explained the spirit of the policy and its acceptance by the workforce, albeit with a pint of salt, and an inflection of the sarcastic humour already noted:

"[Workers] know the drill as to language to be used and taking stock of the job, that kind of thing [puts on a 'proper' accent], 'don't be doing that!' The boys thought this was hilarious, you know, 'pass that screw driver, old chap!' You don't normally get that! But it was

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[37] This is a colloquialism- 'the work' means the workplace. In present context this is important to clarify.

[38] It should be noted that whilst this had an immediate impact on the *workers*, the policy was spurred initially because of the indiscretions of a disgraced operations *manager* who had resigned after revelations of his sexist comments. Thus it may not necessarily be as great an assault of workers' autonomy as it may sound.

educating the older guys. These guys have been in there since they were apprentices." (HSRep, Site 2)

Whilst union respondents and workers felt these policies were "another thing workers had to watch" (Convener 2, Site 1), they were generally accepted as reasonable expectations. Other management changes had been more divisive. Around 40 people had been dismissed in the first year of a new drug and alcohol policy that had imposed random testing. This challenged an existing culture of break-time leisure that included the 'odd pint' at dinner time. Workers and representatives reported this habit was so common and engrained in the working culture and community life that the introduction of the policy saw a number of local pubs shut due to the downturn in trade:

"It's always been that way. I remember when I was a boy seeing the guys with the big dark overalls on going by and going in and out [of the pub]. My granddad was one of them. I used to shout to him, 'I'm telling gran!' He used to fling me a wee half-crown to keep my mouth shut! It's always been like that. It's always had that influence." (HSRep, Site 1)

The representative continued that this was part of a masculine culture and hinted as he continued that the (slight) feminisation of the workforce had been a drive to 'modernise' and make the workplace culture more inclusive[39]: "Until recently it was a man's world. But the women now, they hold their own."

Other management instituted changes were mentioned that were unpopular, but accepted as reasonable where the underlying concerns were seen as areas of mutual interest between management and workers. An example of this related to limits placed on the amount of overtime that can be worked. The company generally chose not to let workers opt out of the Working Time Directive. Workers explained that whilst they sometimes wished to earn extra wages, they appreciated the prioritisation of health and safety (given the risks of insufficient rest in a particularly heavy industry). Thus, such policies were a source of irritation for those prevented from making additional earnings, respondents found it difficult to fault management's rationale. Overtime had been restricted to a certain number of hours and particular shift-patterns and this was generally accepted. However more contentious was the 'restructuring' of break-times which meant frequent short

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[39] As noted, the experience of women and the extent to which this culture *is* becoming more inclusive to them is beyond the scope of this study.

breaks rather than fewer, longer set times to down-tools and leave the workspace. Union officers and workers spoke of this change with varying levels of opposition. The conveners explained that it meant production was more continuous and there was less time spent walking to a break area. Now workers could have as many cups of tea as they wanted, just not away from the job. Many preferred the old pattern however. Tempers have also frayed at times in relation to pay deals and the extent to which they reflected the workforces' efforts:

"They bring these people up and give you a big mass-meeting or 'road-show' as they call it, 'we want you to keep focused, keeping focused and health and safety', and it's like, 'wait a minute here!.. We're not seeing anything more in terms of pay negotiations. *We're* keeping focused, what are you doing?'" (Electrician, Site 1)

Since that worker was interviewed, a pay deal was settled which at least union reps felt was 'decent' in comparison with industry benchmarks. Still, some representatives agreed that pay could be higher for the work being done:

"We should be getting a lot more, don't get me wrong. Some of the jobs are ridiculous-really dangerous. My job is quite dangerous at times, if somebody in your team is not on the ball that day fingers could come off, or worse could happen, my god!" (HSRep, Site 2)

6.4 The Labour Process, Managerial Control and Discipline

Notwithstanding a level of discontent over reward, the effort side of the bargain was described favourably by workers. Union representatives stressed that collectively-agreed standards protected the workforce from undue pressure or demands and management's exercise of discipline was fair, if even permissive:

"There's a culture that's there. As far as [management] are concerned if you are doing what you've been asked to do, then they're happy, so therefore happy to do things. That culture has developed over a period of time at [company], since they took over the yard… They don't demand a pound of flesh off you, but they demand that you apply yourself, and you apply yourself to arrangements and agreements. They don't try and force things too much. It's a steady pace. It's like a mind-set they've developed to be honest." (Regional organiser, and former-convenor)"

"You're not allowed to cut corners. The company is saying that if you're not comfortable in the environment, you don't do the job. If you were getting pressured from the foreman, the company would come down very heavily on that and probably sack him and say, 'no no!'." (Convener 2, Site 2)

Health and safety was ultimately prioritised over the rate of work, with one welder remonstrating that they talked more about safety than the actual building of ships. A convener reiterated that "building ships- that's the third on the list [of priorities]! First on is health and safety, second one's quality they're talking about now. Less reworking, do it right, first time. Most guys can buy-into that" (Convener 2, Site 2). The 'Take Five!' initiative encouraged workers to take five minutes to evaluate the start of any new job or day to consider health and safety implications. Some felt that this led to the unusual position of almost feeling the company had gone *too* far. The company can be a bit "OTT[40] on safety. For a union that's hard- you can't decry safety, and they've certainly improved things radically…They can just go a wee bit too far and then it becomes oppressive and they've sailed quite close to the wind on that" (Convener 1, Site 2).

The management of performance is also viewed as quite lax, with disciplinary sanction imposed for only extreme transgressions. Apprentices were seen as having 'nine lives', when it came to absence and timekeeping offenses (Welder, Site 2). One worker explained that he did see benefits from the unions in these terms: "You get chance after chance, after chance and I know that a lot of that is down to the unions guys saying, 'look, I know that the policy is this, but he's just a daft wee boy, don't throw him away'" (Welder, Site 2). Management are not overly keen to drive productivity at the expense of workers' goodwill or safety, rather emphasising product quality. An HR respondent explained that they promoted informal resolution of discipline as much as of grievances, suggesting that it is not simply workers' complaints that they wish to dispatch with quickly, but also managements:

"There was a culture in the business where the manager would jump to discipline, and what we've tried to do was get them to stand back a wee bit and think about, 'is there a solution to this?' before jumping straight into discipline. When you start making it formal and jumping straight to discipline, it gives you more issues, and eventually if you continue to do

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[40] The acronym, 'over the top'.

that, it will impact on your culture, and it will impact on more grievances and sickness and etc. So we've tried to pull back and get the managers to take a different view." (HR manager)

Relationships between various rungs of the union and management allow for different levels at which a 'quiet word' might settle issues before they become formal. Thus, 'informal resolution' may restrain line-managers from overzealous discipline.

Furthermore, the nature of the work is not readily amenable to the type of performance management that can lead to excessive monitoring and targets, and bullying by management to attain them, but respondents also felt that this would not be tolerated:

"If you are a welder, you weld and it's x-rayed and checked and so forth. As a consequence, that's it; people know you are performing properly. The only thing they can argue about is that you didn't do enough. But then there's always a case of, 'I'm not here on piece-work, so I only do what I do'. Whereas people in clerical-work for example, they can't get away with that. There're no clear guidelines. It's more about attitude." (regional organiser/former-convener)

However, managerial control had been stepped up by previous owners under financial pressure. Noting that 'performance management' is an elastic concept, coming in a variety of guises, the regional organiser/former-convener outlined how a rudimentary form had been implemented previously to intensify work:

"I think performance management is becoming a factor in every area[41]. But when I say 'performance management', I believe that people think they are utilising some form of performance management, which effectively is a form of bullying. It's like when things were tense in the yards with regard to jobs, all of a sudden they were keenly involved in time and motion. I think that caused about five or six major strikes in the yards, at that time. Because what they were doing was doing was performance management in another guise. Not sophisticated, they've obviously learned now how to polish their language, if nothing else. But this was roughly the same, like a crude form of performance management." (Regional Organiser and Former-convenor)

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[41] The respondent was referring to industrial sectors. As a regional organiser of a large general union, this individual had an eye to employment practices and problems arising from them across the economy.

The incumbent conveners were in agreement that they would not likely see such an attempt by the current employer:

"There *is* a tightening up of performance management, but every manager and supervisor knows that we have a code of conduct and the good thing about it is, because we are trade-unionised, the guys, the employees know that these policies exist. So supervisors are always wary about being bullish or being overly aggressive, because they've seen some of their mates being pulled up and so they know to-- That's the advantage of being unionised, you have all these things- we certainly do here. I know from experience what you're talking about[42]. When I go to conferences and I speak to some guys who aren't just as organised as we are, and you think to yourself, some of the conditions that these have to work under!" (Site 1, Convenor 1)

Other respondents confirmed that these policies were indeed well known and respected- the workforce "know the score" with regard to acceptable behaviour in the workplace (HSRep, Site 2). Workers asked whether they felt increased pressure in their work, responded that the employer always expects a high standard and that their workforce apply themselves, but that this was not experienced as unreasonable or palpably altered by the economic downturn:

"Because of the size of the company, and because of the contracts we're working for- a government contract, there's always that level of pressure. It's not a constant, 'you need to get that done! You need to get this done!' Some gaffers are like that- a bit over the top about getting it done, but I don't think that's related to the fact that kind of recession and stuff like that. I think that's just the way the company is and always has been, get as much as you can done. We're good at what we do. We've got a good reputation for a reason." (Welder, Site 2)

Two site 1 stewards interviewed together felt that pressure on workers was not excessive and trades-people exercise a considerable degree of autonomy, rarely being tightly managed to prescribed targets:

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[42] As discussed in the methodology chapter, interviews were conducted in a teacher-learning style where theories and propositions were offered to respondents who could then have the opportunity to confirm, deny or refine them. Here, the interviewer had asked about the rise of grievances over bullying and harassment and whether this played-out in Shipyard as much as it might in non-union settings. This term was introduced towards the end of the interview so that it was not put in the interviewees 'mouth' if not resonant.

Steward 2: "I don't think there is a procedure for evaluating performance? I don't think –"

Steward 3: "there used to be, I don't know if they still do it. They used to map you every week, whether you were suitable. There was a matrix that you could use as well."

Steward 2:" aye, a skills matrix."

Steward 3: "but that seems to have vanished. We actually don't know if they still do it."

Steward 2: "it's basically down to their foreman. If he's happy with your performance, then nothing happens. If he's not happy, then he might put you on a Pip,"

Steward 3: "a 'P.I.P'. But there's a-- I've only ever dealt with one of them."

Interviewer: "a performance improvement plan?"

Steward 2: "yeah."

Interviewer: "right, so they are not very common?"

Steward 2 & 3 [together]: "no, no."

Steward 3: "No, we're not that bad. All the years, I've only had one guy but he thoroughly deserved it. But then again, we got to ask the question, why did you employ the guy?"

Steward 2:" but that's not the kind of question we should be asking? [laughs]"

For these stewards, disciplinary performance management would at least partially reflect a management failure to recruit and select suitable workers and that ultimately it was not their job to enforce discipline on the workforce. Conveners added that when formal discipline was imposed, this indicated a failing to effectively manage and develop the right people. 'Draconian' discipline was eschewed by management in favour of "re-education" (Convener 1, Site 2), a view echoed by HR respondents.

6.5 Union-Management Relations, Employer Strategy and the Frontier of Control

Union-management 'partnerships' are often derided as being relationships of un-equals offering little real gains for workers whilst compromising unions' ability to offer

independent representation of workers' interests[43]. Whilst union-management relations at Shipyard are referred to in such terms, the parties appear to have maintained a respectful distance, acknowledging divergent interests between parties whilst respecting the other party's legitimacy. There was a strong sense among respondents, whose tenure ranged from six years to almost sixty, that there had been a dramatic change in the nature of employment relations, with less open confrontation and more "amicable" relations (Site 1, Convenor 1). The employer is seen as 'fair', and conceded to be the best the yards had seen in all of their years: "They're pretty reasonable. It's completely different from what it used to be. A lot more relaxed" (Steward 2, Site 1):

"Things have moved on substantially over the years, particularly with [current owner]. Surprisingly enough [the unions] have a very good relationship with the company. The reps in particular have got a very straightforward one. They work in partnership on the one hand, and on the other hand they are quite frank and open about their concerns and if they're unhappy they make it quite clear." (Regional organiser, and former- convenor)

The decline of the industry has been the key component in forging a coalition between the unions and local management, focusing upon keeping the yards open and prosperous. There is a remarkable degree of consistency of perspectives both among respondents generally, and between respondents from HR, full-time union officers and members regarding the state of the union-management relationship, suggesting a high level of dialogue between actors. There was consensus that the main *change* contributing to a better union-management relationship had been the takeover of the sites by the current owner. The difference between the old and new company were seen as '"night and day" (regional organiser and former-convenor), with the unions gradually beginning to trust the current management's motives. Whereas the previous employer "*tolerated*" the unions, the present one "*nurtured* them" (Convener 1, Site 2). The HR manager expressed that:

"We have a really good *tight* relationship with our trade unions. That doesn't mean we are sleeping with each other, we have our arguments. But we now have a process that we are able to resolve the arguments... there's work to be done, we aint perfect and we never will be, but I can honestly say, and I would hope the trade unions would say, that we've got a

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[43] C.f. Taylor and Ramsay 1998, Kelly 1999, 2004.

really good relationship, in the context of those guys representing the best interests of *their* guys."

Union respondents agreed, speaking respectfully of management at various levels:

Steward 2 (Site 1): "I'd say it's a pretty fair employer."

Steward 3: "it's about the best we've had since we were here. If you're here for any great length of time, we've had many employers… This mob, they're actually quite fair. I hate saying that, but they are, aye."

Steward 2: "it's fair enough."

Steward 3: "sometimes you think, 'Oh, Christ! I'm a fraud, what you're doing as a steward, but a lot of times, you can go months without a peep, nothing happening."

Steward 2: "there's a better working relationship now… [Convenor 1, site 1] and [Convenor 2, Site 1] here have got a better relationship with the managers, the higher up ones, than before. Well, I think they so, maybe [Convener 1, Site 1] will say different. But it's a bit better than it used to be. It used to be 'them and us', now it's sort of in between-ey."

Shipbuilding has been increasingly exposed to intense international competition. However, the company has taken a 'high-road', high-quality strategy, dove-tailing into the need for a high level of skill among the workforce, and working practices that support their deployment. Unions and workers stressed that the company was exacting, but even-handed. The company "have a habit of giving you what you want, but they are very strict in other ways," as with health and safety (Regional organiser/former-convenor). A former convenor explained that in addition to collective organisation, the employer emphasised high standards of workmanship rather than cutting corners:

"We're well organised, that's a major part of it, but the culture of the company *is* different from many other owners of yards. They demand standards of cleanliness in the yard, they demand standards throughout with regards to personal equipment. Everywhere is clean, everywhere is spotless and for a shipyard that's unusual."

Health and safety is a central mutual interest. For the management (particularly as part of a large-multinational organisation that is in receipt of large government defence contracts), there is a concern to maintain their reputation. For workers, the work does present immediate physical dangers, but also, ensuring 'safe' working practices often coincides with ensuring that a reasonable pace of work and adequate rest breaks are respected. However, employment relations have been most shaped in the last few decades, by the identification by local management and the unions in the yard (and the workforce they represent to varying degrees) of their shared concern to avoid the closure of Shipyard. Collective bargaining has centred upon increasing flexible working practices and modernisation, in return for keeping terms and conditions at a level deemed acceptable to the workforce.

An immediate consideration is that workers are powerless to resist, a case of 'change or die'. However, bargaining is conducted in good faith. A convener explained that "This company try and talk, *talk it to death sometimes*. They would rather talk it to death than having us go back.. [which] would end up in a dispute" (Convenor 2, Site 1). He continued that there had been stand-offs in the past when the employer had put on the table (or not) and later pulled 'something out of the bottom drawer' that was previously not on offer: "We warned the company that if it ever happens again, where you just produce something from nowhere, we'll just not be bothered and you'll not have a partnership agreement. To be fair, both sides have stuck to it" (Convenor 2, Site 1). Furthermore, HR respondents indicated that whilst relations had been 'quiet' for at least a decade, they perceived some form of collective action, and even the loss of goodwill as a potential credible threat. Now that the nature of work and employment relations has been sketched, Part II turns to the expression of discontent in general and grievances in particular.

Part II

6.6 The Unions and their Members: Collective and Individual Contestation

Whilst the employer appears relatively open to the unions in the yard and, it is a time of uncertainty for the workforce with upcoming shortfalls in the work making redundancies likely. Yet, the unions still have a good deal of power and influence, winning significant concessions and gains from management in recent agreements in addition to conceding loses. Workplace organisation is robust, mature and has historically been highly

autonomous from the central unions. The yards operate as a virtual closed-shop with a strongly embedded apprenticeship system that has been maintained with the unions involved with young entrants in colleges from before they enter the workplace, membership is an opt-out on hiring.

The relationship of union to members has changed as the union has succeeded in attaining a position in which they have proven successful in influencing both management and their membership. A number of respondents explained that the role of the steward had moved from that of agitator towards that of a kind of line-manager- "keeping discipline" (Convener 3, Site 1) with respect to collective agreed policies (timekeeping, drug and alcohol use, language) in addition to communicating and explaining them[44]. Some respondents raised the issue that the union-management relationship may be so cooperative at times that it might compromise the independent representation of worker interests: **"**I think the only thing I am concerned with at [the yards] is that you are too close to them at times… some of HR is very close to the senior trade unionists" (Regional Organiser/Former-Convenor). Conveners explained that stewards were aware of the advantages of partnering, "rather than being a brick wall between you and the other side" (Convenor 1, Site 1). Certainly, management appeared appreciative of many of the functions the union provided (i.e. communicating policies and smoothing over day-to-day issues), to the extent that HR respondents were concerned for the succession planning of convenors- several of whom will retire in the next couple of years: "Because they are highly organised- they will tell you themselves- the company finds that as much of a benefit to them in all aspects of what they are involved in- they'll readily say that" (Regional Organiser/ Former Convenor). An HR respondent spoke of the benefits of aggregating the concerns of the workforce and of informal resolution as discussed above:

"It definitely helps us having a unionised environment. Because of the sheer workforce, because some work sites are mainly executive workers, and they're not unionised and they can be quite high maintenance- instead of dealing with a body, a representative, you're dealing with everyone- that can become a bit unruly. For us, we're lucky 'cause our TU[45] convenors have been here for years, like 40 years, they're well known, they've got a

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[44] McKinlay and Taylor (1994) have observed that since the 1980s relations were increasingly convener-centred in that conveners conduct the majority of bargaining work and filter management communications to their stewards.

[45] meaning 'trade union'.

measure for the guys, a measure for the site. So they can usually nip things in the bud before it becomes an issue." (Employee Relations Manager)

Stewards explained that the majority of their interaction with members involved advising them about policies and entitlements, which was felt as almost doing HR's job for them whilst the HR department become increasingly remote from workers:

"Most of them people come to us to find out what the rules are, what the company provides, time off for this, that and the next thing, 'can you get time off authorised?' 'Can I get paid-leave?' Family emergencies- basically the kind of things they'd be up asking HR for" (Steward 2, Site 1)

Informal resolution of members' issues is a core function for stewards: "One of the biggest tasks as a steward is getting in their quick and getting it resolved quickly, if apologies are needing made, get them made- even if your own guy that's at fault" (Steward 1, Site 1). This could mean 'keeping discipline' as much as helping vent workers' frustrations. A convenor (1, Site 1) explained the delicate position of the union officers who are "ensuring that the company keeps to the agreement, and making sure that *the workers* adhere to it too! That's sometimes harder!" Another convenor spoke of their role in working towards driving up productivity: "I don't like shirkers, I demand people do their best," (Convener 1, Site 2). This might involve doing management's bidding for them if there was a big change that was to be presented to the workforce: "The company get a bit miffed if there are big challenges and difficult times, and I tell them if they can't convince the workforce of something. I'll say, 'it's too big, we'll need to do that'" (*ibid*).

Over time, as the unions have won concessions from management, or have been assisted by legislative employment rights and protections, they have been obliged to discharge these powers, assuming new responsibilities (e.g. health and safety) with the *quid pro quo* of workforce compliance being that the stewards would assist those with issues they raised if they followed the rules:

"One of the driving forces of change in the yards was the Health and Safety at Work Act[46], because people like myself, who had been arguing for health and safety for many years, and were supplied with this act and then we found that we had to enforce the act. So you

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[46] 1974,- a piece of legislation that instituted a duty on employers to provide a safe working environment.

weren't just arguing against something, you were arguing *for* something for so long, you got it, and then you had to enforce it as well. These things changed. The relationship with the yards' shop stewards and the members changed and to the extent that stewards would say, 'wear that safety thing, or don't come near us with a problem!'" (Retired Organiser/ Former-Convenor)

Union-management relations are considered 'reasonable', but the stability of partnership is not a given. Union respondents and workers felt that management 'revert back to type' during hard times (depending on 'production needs'), and then "you get Mr Nice Guy turning into a pure swine" (Steward 3, Site 1). 'Partnership' is a temporary truce that needs renewing rather than a final settlement of differences. Serious confrontation between the unions and management had been avoided for over a decade, but there have been a number of credible threats of collective action in 2009 (regarding an agreement on workforce mobility), 2005 (an effective solidarity strike over the discipline of an electrician), 2004 (the loss of a Friday morning tea-break), 2003 (pension reforms) and 2001 (over job cuts). From the perspective of union respondents, the workforce were sometimes resistant to change and a small section did not respect various agreements and wish to abide by their rules. Such resistance might well be thought of as a rational strategy of self-preservation, to be vigilant of all proposed changes, mulling over the implications rather than simply waiting to see what came of new initiatives once implemented. An example can be seen in the apprehension towards the settlement of an agreement on workforce mobility. This became a 'big fight' and can be used to illuminate how grievance expressions relate to collective issues - this will be detailed in the final section after a more general discussion of the nature of grievances in Shipyard.

6.7 Grievance Expression and their Relation to the Workplace Regime

"Grievances are few and far between" in the yards (Steward 1, Site 1). Whilst the exact frequency intimated by respondents was rather imprecise, a convener gave the impression that grievances were almost unheard of:

"Most people who come to us, they've got a problem and we deal with it mostly. There's very, very few. I've not had any formal complaints in writing for about two years. I know

one of my colleagues had one. And the formal one that I had was settled amicably between the two people. Which it mostly is." (Convenor 1, Site 1)

Whilst HR respondents suggested that there were a fairly steady stream of cases, this was from the perspective of a shared-service provision with an eye to cases across the business nationwide and reports seemed to include a broad spectrum of functions and issues as 'cases', from attendance management, 'fact findings', disciplinary hearings, ethics cases, tribunal claims and capability, in addition to grievances and their various appeal stages. 'Cases' thus included incidents that were not necessarily employee-initiated complaints but also expressions of employer dissatisfaction. The combined figures showed a variation of between three and thirty such cases a month for *all* shipbuilding sites[47].

HR respondents did stress that the Scottish sites had significantly fewer grievances than English sites. An HR officer described distinctive grievance cultures, with most of the grievances in the 'North' (as she termed Scotland) being raised by the office, or white-collar staff:

"What's quite interesting is, in the north, there are very few grievances and in the south, there are a very high number of grievances. So culturally, they're very different. In the north, they're very open to talking and resolving things informally, there is a bit more of a trust and the south there's probably not—there's not really a lot of trust at all. They tend to go down a more formal route to try and cover themselves and say, 'I've raised this, and it's not been dealt with and here's all the evidence'" (Employee Relations Manager).

English sites contained evident tensions around the use of agency staff and workforce distrust, questioning management's intentions towards permanent staff may be manifested in greater formality in grievance-handling. One HR respondent stressed the relationship between union representatives and management as being the crucial differentiator in explaining why the yards in Scotland saw fewer grievances:

"I think the TU[48] relationship here is more mature than in the south... not that long ago, about a month ago, we had two issues and relatively inexperienced stewards were out their depth and I phoned [Convener 1, Site 1] and said, 'look, can we sort this out, they're both

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[47] Which is for a broader population than the 5,700 workers considered within the case-study.
[48] Trade union

escalating', and he came up and sorted it out within five minutes." (Employee Relations Manager)

The filing of formal grievances is rare in Shipyard, largely because of the nature of the bargaining relationship between the unions and management, in which issues arising for the workforce are addressed collectively, and have the potential to escalate into a collective dispute. Collective agreements, once negotiated cover most eventualities in terms of conflicts and are referenced by management, workers and union representatives, leaving a limited role for grievances. However, a fairly immediate consideration that needs to be considered is that economic insecurity is keeping the workforce quiet. A recently retired organiser and former yard convenor opined that in general there were not many grievances being raised across workplaces:

"Circumstances kind of reduced the tendency to raise grievances… because of the obvious pressures, people saying to themselves, 'if I raise a grievance, my job is on the line anyway, so this may just tip it'."

Whilst this pressure may well come into play in Shipyard, the notion that workers were particularly afraid to 'stick their necks out' by raising a grievance was not evident in the testimonies given. Union representatives suggested that it was rare for members to come to them with major problems (particularly those which required formality) and that they could 'go months without a peep' of disquiet from the workforce. Two Site 1 stewards in conversation explained their roles and circumstances in which being a steward might be different:

Steward 2, Site 1: "we've got it relatively easy as shop stewards."

Steward 3, Site 1: "oh aye! See when you go to [union education] courses at college, you're sitting there and you meet a steward from a tiny company of maybe ten people, theirs is horrendous. Good luck to them, but theirs is horrendous. But as I say, it's taken us 30 years to get where we are just now. Don't want to lose it!"

Whilst there were some discernible trends reported (by HR and the conveners) in relation to the volume and nature of grievances raised, this seemed to have less to do with cycles of the economy or orders directly, than with rounds of bargaining and the settlement of new agreements. This is explained further in relation to collective bargaining and the way in

which the 'big ticket stuff' is handled collectively. Established means of articulating collective employee voice means that most problems that arise for individuals can be resolved informally.

6.8 Formal Collectivism and the Informal Grievance Resolution

There is a very clear expectation that matters of serious discontent will get 'sorted' collectively or informally in most instances. Union reps deal with queries from members frequently, but a 'quiet word' with management will usually suffice to resolve matters. "There is a process that you can try and solve these wee sparks before it goes formal" (Convenor 2, Site 1). A recently retired organiser who was a former convener described the yards as:

 "The traditional sort of situation where you had highly organised organisations, all the stewards dealt with all the grievances up to a certain stage. We are well organised, and we've got good people, grievances are normally snipped early."

This 'traditional situation' was contrasted with the difficulties organising greenfield sites where individuals who join, often desiring representation, might be the only union member in their workplace. Another convenor made the contrast between the yards and unorganised workplaces pointing to the need for individuals who can facilitate resolution for workers who encounter problems: "what you'll probably find in the non-union ones there's nowhere really to go… Nobody can say, 'can you try and sort that out?' (Convenor 2, Site 1). The HR manager credited himself with strengthening the architecture of informal resolution by developing the union officers: "When I first came here, the convenors were involved in all that discipline, grievance and all that. And what I set out to do was say, 'Guys, you need to take yourselves up a level.' You need to get the local guys to deal with that." HR stressed that as a matter of strategy they looked for patterns of grievances that may uncover underlying issues which should be addressed systematically, an example being line-manager capability.

Ultimately, the established custom of informal resolution is built on the potential that problems identified by members *could* become a collective matter and warrant some form of collective expression and action. Where informal resolution fails:

"The shop steward goes with the aggrieved person to the next line-manager and then tries to batter it out there. If that doesn't happen then it goes through the process, through the procedure, all the way up to wherever it can go at the end of the day. Now, during that process what'll happen is the shop steward will talk to the convenor and will take a position, and pass judgment on the grievance. And if they believe that this person's grievance is strong enough, they'll go back to their meetings of departments or the establishment, the workforce, and show support. As it moves up, most reasonable management will take notice of what's being said from these collective meetings." (retired organiser and convenor)

Informal resolution of grievances is made possible because formal mechanisms for handling workers collective discontents have been gradually established and defended over many years. As a follow-on, the complaints of individuals are more tractable. Stewards' interaction with members mainly involves informing them their entitlements, of rules and agreements as well as registering their views on collective matters. The most significant issues are aggregated and then negotiated between the convenors and senior managers meaning that there is a baseline of reasonable treatment which leaves less scope for individual grievances:

"There still are individual issues, disciplines or grievances, there still are those, but they've reduced it substantially. The majority of the work in there is done collectively. I am very fortunate to have two very good convenors there, and, they've got their finger on the pulse, and they know exactly what's happening, where it's happening, how it's happening. The stewards report back to them on a regular basis, and they report back to me. There's a control there, but it's a good control, and the workforce is quite happy with that, but they're still individual grievances. It would go back to the same thing, the only grievance I have had recently is because a driver claimed he didn't get the same overtime as another driver. That's the only one that springs to mind. So it's not a major issue. They are not substantive issues, they're substantive *to them*, but not substantive in the sense that we are talking about." (Regional Organise and former-convenor)

When prompted about what a 'substantive' grievance might relate to, respondents pointed to management bullying as an example, something they saw infrequently:

"You get the odd one, 'I think he's bullying me'. You will get those. 'I think I've been singled out for this, that and the next thing', but they're generally rare. There are a couple where our folk will say, 'I think I've been singled out for unfair treatment', which generally you can get sorted out without going down the full grievance process. It's rare that it does go there" (Union Convenor 2, Site 1)

A former convener confirmed this and made links with how he saw it manifested in other contexts:

"You have them [bullying grievances] occasionally, but nowhere as much as you see them in other industries. We're talking about specifically shipbuilding, but they're used to a common situation in the yard…. the type of thing being asked of people in other industries just now with regard to performance management it's basically, it's bullying. It wouldn't be tolerated nowadays in the yards."

A health and safety representative emphasised that there was an anti-bullying stance that was more than mere rhetoric: "We've had a few [bullying cases] recently and those managers were told in no uncertain terms by higher management that it wouldn't be tolerated" (HSRep, Site 2). It could be that in a highly male-dominated environment, workers might avoid the term 'bullying' as emasculating, believing they would not be taken seriously or mocked, or conversely that aggressive behaviour would be accepted. However, respondents were certain that 'bullying' (however defined) would not be tolerated, and general descriptions of their working environment were not suggestive of bullying behaviours such as unreasonable pressure to meet targets.

The aggregation of the key issues facing the workforce means that potential streams of discontent are canalised. As a result, grievances that do eventuate are relatively narrow, as opposed to involving multifarious issues. They relate to collective agreements, testing and extending their parameters, and most often query fairness between workers, as opposed to pushing back against managerial control or unreasonable behaviour by line-managers:

"Grievances are quite run of the mill… the biggest, but they won't go forward as grievances, the biggest are, 'when am *I* getting up to [the seconded site], because it's a good gig', or 'why are they getting all the overtime over there, cause we're not'… basically the stuff like that is what we'd call the day-to-day kind of issues. Generally so long as everyone has got a

shot at everything- the nightshift or the backshift or whatever. Sometimes you need to make sure everyone gets their shot." (Convenor 2, Site 1)

Another respondent gave a similar synopsis of the main concerns expressed in grievances, noting a distinction in terms of their gravity:

"Normally, grievances come, usually, in a lot of cases, because people believe they are not getting the appropriate salary they should be getting an allowance for… a dirty job or a maybe be a height job. That's the type of grievances, or somebody has been short-paid. Normally in the most organised places the grievance situation is collective." (Regional organiser/former-convenor)

What is notable in both descriptions is that grievances appear as discrete, straightforward issues concerning improvements in collectively agreed terms and conditions. Respondents were also very clear about the circumstances in which grievances were not the appropriate mechanisms for realising this type of objective:

"[Some people] will put a grievance in because they think they should be getting paid more than him or her- to me that's not a grievance. So, people think, 'there's a grievance policy, I'll put a grievance in'. To me that's not a grievance because there's other ways of raising them. Your annual pay… That's where you discuss those kind of things." (Convenor 2, Site 1)

For trades people, pay was relatively banded and dealt with in collective bargaining rounds, meaning issues relating to remuneration rarely arose in grievances.

6.9 The Extent of Aggregation and the Authority of the Collective Agreement

The regional organiser/former convenor spoke of the unions' role in ensuring that collective "agreements were tight enough" so as to pre-empt a significant number of grievances arising. The outputs of bargaining should cover most eventualities that could arise, allowing Shipyard to resolve problems quickly and get on with the building of ships. There are tensions, discussed later regarding the unions' 'policing' of their members, but workers interviewed did not seem overly aggrieved by their management nor by their conditions locally, suggesting that suppression of discontent by union representatives was not the

main reason for the low volume of grievances. That is not to say that workers perceive no hardships, but that their situation is considered as 'reasonable' rather than unjust.

The bargaining relationship can be seen to affect the nature of grievance expressions in two main ways. Firstly, as discussed above, the particulars of employee interests are considered as far as possible in aggregated form, leaving a limited role for grievances which essentially act as an adjunct to collective bargaining. This can be seen in both the character of grievances (involving discrete issues and lateral comparisons across workers) and trends in volume, with grievances rising in relation to new agreements and tapering off as their application and boundaries become clear. The regional organiser/ex convenor talked of both unions and the company as being 'proactive' settling the terms and conditions of employment rather than reacting to discontent over them. Secondly, and more fundamentally, the power that the unions have through collective organisation means that material conditions have achieved a baseline of fair treatment- quite simply, conditions of work and employment are generally experienced as reasonable by workers. Consequently, confident in the knowledge they can expect a fair grievance hearing should it be necessary, relations are such that informal resolution of potential grievances (and disciplinaries) occurs within day-to-day negotiation around discontents, informing formal bargaining relations, and reinforcing partnership. The unions appreciate a high degree of openness and even-handedness from management, and management are thankful for the unions' assistance with the speedy resolution of individual complaints.

The collective bargaining procedure is able to encompass most potential issues so that negotiated agreements become a definitive and agreed authority. In practice many of the issues workers might have considered raising grievances over would have already been thoroughly considered during negotiations and indeed the preparatory stages of intra- as well as inter-organisational bargaining:

"We have to go through torture to get these deals done but once you get them done generally they're okay. Some people are just resistant to any kind of change. But as I say, when they're done [the workforce] are not wanting to go back to what it was before." (Convenor 2, Site 1)

A retired convenor explained how this related to the volume of grievances filed where the union **"**rejected a lot of cases, purely because the yards already had an arrangement and agreement, and under that particular agreement, or clause, nothing they can do."

It is worth reemphasising that the low level of grievances should not be taken to mean that there is no discontent and indeed, on occasion there were flares of unrest that negotiation failed to temper. Yet, it is telling in this respect that the only recent 'near miss' with regard to strike mobilisation was triggered by a situation in which there was no existing agreement:

"That was something really silly. We got ourselves into a position where an employee had passed away, and there was no real robust agreement in terms of how employees paid their respects. We sat round the table and said, 'we'll allow eight guys to go the funeral paid. Anyone else who goes won't be paid'. And for some reason it just blew up, and the guys just walked." (HR Manager).

The one main area where respondents reported that this system did fail to preclude the individualisation of the workers' plight was where redundancy terms had been negotiated and individuals wished to challenge their selection:

"'Why did you pick me as opposed to picking Jane, or John?' That's the only grievances…. If there is a redundancy, there's a redundancy, someone's got to go and it's not very pleasant. But if someone doesn't recognise themselves, and they feel aggrieved at being selected, you find that that is the individual situation, and from that, the collective sort of breaks down just a bit. Because for me to be successful in arguing this for a member, it means there is someone else who is still in employment, who then becomes, that person is identified, and so it becomes that cycle, starts all over again." (Regional Organiser and Convener)

Whilst there is a high level of dialogue over key issues of concern, there are issues which are too 'big' to be dealt with at workplace level. The unions were engaged in political lobbying and indeed much of workers' resentment is aimed at government and senior (as opposed to local) management. Such unresolved issues of insecurity had led to flexibility bargaining and the fall-out from this is related to grievance expression below.

Thus far the chapter has explained the nature of work, the workplace regime and conflict expression at Shipyard. The main mechanism driving the particular configuration of grievance expression has been pinpointed as collective aggregation. The following section seeks to illuminate this relationship using current and ongoing tensions as a lens, the collective agreements that were negotiated and how this manifests in grievance expressions.

6.10 'A period of mitigation': the Decline of Shipbuilding, Insecurity and Flexibility-Bargaining

Shipbuilding in Britain has historically been highly cyclical, with periods of boom followed by unemployment and retrenchment: "Our industry is quite an up and down type of thing, feast and famine. Stuff like that. You get a lot of work, it's a big feat then, boof, it can just collapse" (Site 1, Convenor 2). It has been in decline since its high point around the Second World War following which, in part due to a lack of inward investment and missed opportunities to secure foreign trade, the British industry lost out to new powers such as Japan, Korea and Taiwan. The yards have in their history seen off numerous threats of closure or disbandment and are once again facing these issues. "[Site 2 Convenor 1] told me himself, he says, 'the situation is precarious to say the least'- those were his was exact words. But everybody better be on their toes with what's going (HSRep, Site 2). HR respondents, when asked what the greatest challenges they currently faced were reported: "What does the future hold for the business, how do we navigate ourselves through what will become a real difficult period? That is probably my number one priority right now" (HR manager).

Site 1 in particular is currently seen as approaching at a tipping point, having completed current orders with an expected gap before new contracts begin. A union representative who had been transferred spoke of how sometimes line-managers encouraged workers to disguise the over-supply of labour: "The work started to die down a bit and we were all hiding and I said that I would go to [Site 2] 'cause I can't stand not doing anything. I've got to be busy… managers were telling you go up the annex and keep out road. There were guys up their playing cards and all that carry on. I couldn't go that" (HSRep). At least with

local management, this has strengthened union-management partnership based on mutual interest in mitigating planned rationalisation: "We've been able to say, 'right, we've been through the crap. Let's deal with what we believe are the strategic issues'…The big thing now is lobbying" (HR Manager). However, this respondent added that these high-level activities did not have a high degree of visibility at the level of stewards or the workforce: "I don't think the welder would understand the level of detail that the convenors get involved in lobbying… It's not communicated or we don't make a big song and dance about it. It just happens in the background." Nevertheless, both members and stewards reported that there was concern over issues such as procurement but that at present nothing was decided: "You cannot really allay their fears… We don't have the information to allay their fears- it's just speculation" (Steward 2, Site 1).

Whilst the precarity of work has not led the employer to take advantage of this situation through work intensification of aggressive discipline, attempts to provide greater security for the workforce have led to the unions conceding ground in terms of functional and spatial flexibility. Management express a respect of the skill of its workforce, being loathe to prematurely make large numbers redundant, and indeed confidence in Shipyard's future is bolstered by the announcement that around 150 apprentices are to be taken on this year, making 310 over the last five years, with each costing approximately £80,000 to train over the course of their early careers. The company have remained committed to their presence in the industry and have not attempted to use economic uncertainty as an excuse to deteriorate terms and conditions. A convenor described how the partnership had stayed the course:

"The relationship of the company has not been any different to the workforce… They've never brought that into the discussions, the decisions have never been discussed with the company. They've never said, 'we'll have to cut back,' on anything in particular… If the company are taking on apprentices, apprentices are an investment in the future. It costs you about a hundred thousand pounds to train up an apprentice. If you're taking on 30, it's a lot of money. So the company believes there is a future in shipbuilding. When we first got bought over, they could have probably cut us off like a sore thumb at the very beginning. But we turned the business around, the workforce turned it round, delivering ships on time, on budget, and health and safety. I include the management in that." (Convenor 1, Site 1)

However, in order to keep Shipyard workers employed, there have been significant moves to retrain and redeploy individuals and groups, meaning that many are working 'off-trade'. The significance of this must be put in context of a history of carefully guarded craft demarcations. Up until the 1970s, in addition to cyclical unemployment, the rigid craft divisions had been detrimental to solidarity (Thompson and Hart 1972: 58). However, from the mid-1980s "trade rights and established conditions were subordinated to the yard's survival" by the union leadership (McKinlay and Taylor 1994: 302). One convener described how contentious the issue had been, dividing union representatives as well as upsetting the workforce:

"There was a war waging about multi-skilling and when it arrived in this site, some of my union colleagues were opposed to it, said it would cost us jobs. I said that won't cost us jobs, it will be the salvation of the jobs. If someone does two functions rather than one, there is less downtime. I want the company to say, 'okay, we've got 30 guys in that area, we only need 20, but we retrain the other 10. We train them all to multi-skill'… We go back to the original statement, we managed change… Difficult, painful, sacrifices made, compromises made, but we're still here." (Convener 1, Site 2)

More recently, based on the need for more flexibility in terms of skills and resources, the company tabled consultation and negotiation over new ways to find increasing levels of flexibility to attend to fluctuating levels of demand. The company were keen to 'cross-skill' workers or have them transfer geographically to allay short-falls in work and gaps between the finishing of pieces of work in one location to another. Most work is currently being transferred to a third, seconded site where there are facilities capable of assembling parts from the other sites. The terms and conditions associated with an agreement on workforce 'mobility' became a big fight, tapping in to interrelated concerns over job security, the future of the industry and trade demarcations.

In 2010, Site 1 were approaching an overcapacity in terms of labour, posing questions for the unions and management:

"There's a bit of unrest because some of the key trades, painters, joiners, sheet metal workers have ran out of work. So they are working, as we call it, out of trade. Some of that is causing a bit of [insecurity]… as much as possible, we've been talking to the convenors,

and we're in a period of mitigation, to mitigate any surpluses that we've got." (HR manager, Site 1)

Working off-trade had been a long-running strategy used to prevent job losses, but was always viewed with some despondency. One cartoonist based in Shipyard had satirised attempts at cross-skilling workers in the 1970s, showing an official looking man talking to shipbuilders telling them, "With retraining you'll be unemployed in two skills" (Thompson and Hart 1972: 72).

Currently, some groups of workers looked to be facing the choice of either allowing the relaxing of demarcations or taking redundancy. As, one electrician explained, the unions had in the past pushed to relax demarcations, prioritising saving the yards and headcount over 'craft sensibilities'[49]:

"There's been a bit of diversification- by the union strangely enough- to keep us in a job. About sixteen years ago there was a shortfall in the electrical department. We're predominantly outfitting work, which is predominantly steel-fitting we go in and start the running the cables and then on to fitting out all the electrical installations. But there was too long a period in between the continuity of one contract finishing and the next one beginning, but it meant that we had to be retrained into fabricating the side steel work and work alongside the steel workers, platers and welders for a year, before our work picked up again."

Furthermore, the increasing use of casualised, agency workers was leading to tensions with permanent staff. However, seeking additional means to make better use of labour and flexibility in terms of place of work in particular was a new development. The use of agency workers was another prong of this strategy which led to some unrest among workers:

"I think as far as the contracts are concerned, we are quite job secure at the moment, although our work is changing- the company are using more contractual work, and more contractors are coming in to do specific jobs… They do the terminations [of cables] and stuff, they've got all the tooling and so on- means that the company doesn't need to buy pieces of kit at £100,000 and store it and so on. If it's only for specific jobs they might not

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[49] c.f. McKinlay and Taylor (1994) on this term.

use it again. It takes a lot of work away from my type of trade- the electricians. A lot of the guys aren't happy." (Electrician, Site 1)

In 2009 the management and unions began talks regarding the terms and conditions surrounding workforce mobility across all sites in Britain. It was proposed that workers would be on rotation for around four weeks at a time (if they did not wish to be posted there) and negotiation came to centre upon the precise allowances and entitlements to accompany this. In Scotland this would tend to mean moves from Glasgow sites (1 and 2) to a neighbouring Scottish site (3), about an hour's drive away, where sections of ships are finished and welded together. However, it could also mean trips to the other end of the country. It was the settlement of this deal, "the [Site 3] thing," that came to be one of "the biggest things we've had in recent years" (Convenor 2, Site 1). The HR manager described the unfolding situation:

"We put a proposal forward on UK mobility, so that if we needed to transfer resource around the UK we could, and people would be compensated for that. Unfortunately, in the south they didn't sign up to that, where the guys in the north did sign up to it and had been doing it for years… we got to the point where I think we were two days away from industrial action. We resolved the situation, we got there. But it seemed to be a real big issue for them." (HR manager)

English-based workers were apparently even less keen than those at Shipyard on transferring workplaces, perhaps because of the very long distances between the English sites, but perhaps also because of distrust that had grown around the increasing use of agency workers there to put a different complexion on flexibilisation. In Scotland, one steward joked that the workforce flinched at being moved from across one side of a yard to another, never mind across the border (Steward 3, Site 1). The workforce were sceptical of the long-term implications of the mobility proposals. These issues became infused by the rumbling tensions around the more general security of the long-term future of the yards. Redeployment across other sites had been successfully used by the company previously to mitigate job losses (in 2001, 1000 scheduled redundancies were whittled down to 150 compulsory losses by such methods), but now the company were seeking to make rotations a contractual clause. A deal was finally made after a number of offers and rejections which concerned how well workers would be remunerated. The final settlement involved a

payment for working away, time in lieu and a four as opposed to five day working week in compensation for time travelling and away from home.

One representative described the situation and its context: "Everyone is scared they're going out the door, and they're voting to accept the offer. It was getting that silly there I think we ended up with three meetings there before we accepted the offer" (HSRep, Site 2). Towards the end of the dispute, the leaders of the national unions stepped in to avert strike action. A third offer was close to being rejected by very slight majority meaning a strike would likely ensue. Some members felt that the union leadership settled too quickly, when better terms for the workforce could have been agreed:

"It could have affected the future. It could have- I can completely understand that they felt they had to step in as it could have resulted in the yards being shut, or it could have resulted in people losing their jobs. But at the same time, *we're* the union. They're not- they're just the elected figure-heads almost. We'd decided. If we wanted to vote 'no' which we did, then it's on our heads if it happens. What's the point in having a union if when it comes to having a big decision don't like it, the guys at the top can just overrule. I know there was a lot of animosity among the guys" (Welder, Site 2)

For their part, the union conveners had the difficult task of balancing what they saw as dual roles of representing the workers' wishes whilst simultaneously offering their honest assessment of their bargaining position as weak. The unions felt that pockets of the membership were being unrealistic, and conveners saw mobility as the latest necessary concession to be made for the workforce in order to keep Shipyard open, it was a case of "have work, will travel" (Convener 1, Site 2).

Whilst some of the workforce initially emerged feeling they could have held out for more from management, they appear by accounts offered to now be enjoying the fruits of the agreement. Most workers would reportedly enjoy spells of secondment, being seen as a very sweet deal by the unions and rank-and-file members: "The boys at [Site 3] are making a fortune, that's not a bad deal... the same guys who were shouting and balling about it, you can't get them back now!" (HSR, Site 2).

Furthermore, a welder explained that in practice workers get more than was envisaged in the agreement:

"They give you a monthly, well daily rate, paid monthly. They're basically paying you for staying away, but nobody actually does stay away- they just travel back and forth every day. It's like cash in your pocket basically" (Welder, Site 2)

Thus, mobility as an issue became the focal point of insecurities about the future, making the membership apprehensive about accepting. However, once agreed, initial fears about "selling-off" their right to remain based exclusively in their original sites were allayed, workers enjoyed the additional pay and benefits that came with working off-site. As noted near the beginning of the chapter, the conveners report that the main source of potential grievances they see relate to lateral conflicts about workers share of the spoils- questions of "when am I getting up to Site 3, because it's a good gig'" (Convener 1, Site 1). For some, new 'gaffers', new working practices and colleagues were welcome changes (Welder, Site 2). Still, for other workers working at Site 3 meant that an extension of the working day was another price that was being paid for uncertain gains in security. This would make caring for dependants or engaging in social activities more difficult. One worker, who enjoys attending a running club in his spare time explained that "there is enough work I think to keep us going for the time being. The only thing is I don't like the traveling" (Electrician, Site 1).

Insecurity clearly *has* had a palpable effect on the bargaining power of the unions, the confidence of the membership and the relationship with the employer. However, this has not invalidated the bargaining relationship. The employer has not appeared to make much of this advantage and ultimately workers have not been forced to use grievances to bypass ineffectual collective bargaining processes. However, union members did feel their unions were more powerful in the past:

"You'd like them to have more teeth. They seem to have lost their bite with the company. We used to say, if we were going for a pay rise and the ship was in the slipways, we had them where we wanted them, we'd got them by the short and curlies! 'No cash, no splash! We'll walk out so the ship won't launch!'" (Electrician, Site 1).

The main reason strike action was averted was the looming shadow of insecurity, particularly upon the actions of the union leaders who feared that strikes would show that the yards were not 'united'. However, many felt that legislative change regulating collective action and union behaviour had a considerable impact on employment relations,

completely changing the culture of trade unionism and of the processes of collective mobilisation: "By the time you've got the ballot down, you've forgotten what the actual thing is about!" (Convenor 2, Site 1), "Everybody's fallen asleep!" (Steward 1, Site 1). In context of the dramatic decline of trade unions, with 99% of the workforce in membership, Shipyard's union organisation has been resilient, and that remains a potential power. The conveners believe they could easily mobilise the workforce towards strike action if necessary. Despite their weakened position, the unions continue to win pay deals above inflation and industry averages. Towards the end of the period of study a pay deal was settled with a 3% rise that was accepted by a near unanimous vote.

Whilst there are short and longer-term insecurities, not least owing to the company's reliance on government defence contracts and limited attempt to enter the commercial market, many respondents reported that it would be another couple of years before the situation would be really perilous: "Short-term, I feel secure because we know that we've got the contracts for the carrier and obviously the first carrier is quite far on. We're well into the second carrier. It's the second carrier I've been working on recently. So certainly for the next couple of years anyway. It's secure in that sense, but long-term, no. It's all kind of up in the air." (Welder, Site 2). For the union conveners, the prognosis was generally seen more pessimistically ("we stand right now on the crest of a journey to hell," Convener 1, Site 2) and it is likely that Shipyard is about to see redundancies, but it is not likely that grievances will become a central means of expressing discontent, other than in assessing the fairness of assessing agreements on redundancy selection. There is an engrained tradition of collective dialogue and the aggregation of worker interests. As the power balance had shifted, that does not seem to have been abandoned.

6.11 Conclusion

The task of the chapter was to consider how grievance expressions are related to the workplace regime, reflecting the frontier of control between workers and management and specific antagonisms. At Shipyard, respondents indicated that their experience of work was one of relative fairness, with reasonable treatment and pay is considered decent (if slightly lower than desirable). Whilst at present there is a high level of insecurity on the basis of redundancy but there is also a high degree of consultation and negotiation around how to

mitigate their impact. Grievance expressions are rare, and when they arise they tend to be discrete and tend to involve testing and extending the collective agreement. This is not to say that there are not unresolved tensions and areas of conflict, but in terms of grievance formulations, there is transparency of the discontents, spades are called spades, and grievances that do arise are tractable. The next two chapters look at two quite different workplace regimes of lower union density with particular outcomes for grievance expression and formulation.

Chapter 7:

Employment Relations and Grievance Expression at 'Teleoffice': Formulating the Response to Performance Management

7.1 Introduction

The task of the intensive phase of the thesis is to compare how grievance expression varies across different workplace regimes- the aspects of work and employment that cause discontent, the extent to which these are raised in grievances, and the processes by which grievances are formulated. The preceding chapter presented the case of Shipyard, where there was a mature bargaining relationship in which grievance expressions were rare and much conflict is aggregated and dealt with collectively, leaving grievances a fairly discrete role of testing and extending collective agreements. The chapter used a recent collective agreement on mobility to illustrate the nature of grievance expressions in the setting, which, when they arose were narrow articulations of this underlying tension. This chapter examines the case of 'Teleoffice', a setting where union density is lower (at around 80%) and the nature of work very different. This distinctive workplace regime produces distinctive grievance expressions. Like the chapter before, the data are presented in three main parts relating to the nature of work and the bases of discontent and conflict, the degree to which this is contested individually and collective and finally, the residuals between these.

7.2 The Research Site

Teleoffice is part of a division within 'Telecomm', a multinational telecommunications services company, one of the largest suppliers of telephony, broadband and subscription television services in the UK with over 93,000 staff. An ex-public utility, it was privatised in the mid-1980s, leaving a legacy of union organisation and national collective bargaining structures. Whilst a pioneer of early telecommunications technology, Telecomm was a late-comer to the 'broadband revolution', when a huge range of service and products became available via the internet. The digital market was quickly populated by a number of new

providers and has become fiercely competitive. This lesson left a deep imprint on Telecomm, who have since striven to be more flexible and responsive to changing technology and markets. The pressure of intensifying competition in key markets was accentuated by the financial crisis of 2008. At this point, the company announced significant cost-cutting measures, with the likelihood of the loss of around 5% of the global workforce. Telecomm had been offshoring a significant proportion of its call-centre and back-office work to India since the early to mid-2000s, and have engaged in fairly perpetual restructuring to keep a pace with new technological developments, but following recession they sought further means of rationalisation and cost-cutting.

Around 2009, when the economic crisis bit, Telecomm asked 'Teleunion'[50], who represent over 60,000 of their employees in the UK, to accept wage-bill reductions in order to avoid compulsory redundancies. A campaign was mounted to repatriate jobs from India at a time when unemployment was high and growing in the UK. Teleunion was largely successful in gaining acceptance from Telecomm that service quality had been a casualty of off-shoring and that they had a responsibility to secure more UK jobs. For Teleunion, whilst securing new jobs *was* a key aim, they also sought to bolster the security of those members *in work*. However, part of the bargain for any repatriation was greater flexibility from the UK workforce, particularly attendance patterns which would have to compensate for the loss of the coverage of call-centres during evenings and weekends which had been provided in India.

'Teleoffice' itself employs around 1200, who are engaged in a variety of clerical functions. In addition to union reps, worker respondents were drawn from three clerical departments ('Home-Movers', 'Ad-Space' Liaisons and Web-Design Liaisons- these are abbreviated when referring to respondents, e.g. ASL 3, WDL1). All workers were engaged in handling incoming calls, processing, and the latter department in writing web-content. Whilst these are all customer contact, effectively 'call-centre' jobs, Ad-Space and Web-Design staff enjoy relative degrees of autonomy. In contrast to the broader organisation, the site itself is in a growth period, now the largest of the company's offices in Scotland with growth in web-design work in particular, Teleoffice has not been directly affected by redundancies. However, the work-streams on which workers are placed are constantly shifting and a large body of agency and temporary staff are used to buffer over or under-supply of labour as

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[50] Also a pseudonym. The organisation forms part of a large communication and financial sector union.

demand dictates. Indeed, whilst 15 years ago Teleoffice was in danger of being shut down, new work-streams have seen it double in size. Teleoffice is thus a vibrant hub of activity, characterised by fairly perpetual flux of departments and personnel. Roles are frequently changing and secondments to different teams and projects are very common.

The sample of workers was drawn predominantly from two departments- Ad Space and Wed Development- that are considered relatively 'comfortable', where jobs are highly sought-after when they came up. Salaries were at the upper-end for clerical grades and the work was generally more relaxed in terms of monitoring and targets than was normal in Teleoffice as Ad-Space workers deal with more complex queries from business customers than colleagues in for example, directory inquiries. Thus, the account given below is likely to be a more positive picture of working life in Teleoffice than is representative.

7.3 The Nature of Work and Sources of Discontent

There is something of a duality in the nature of employment relations at Teleoffice, split between the terms of employment and the nature of the work itself and managerial control. Pay and job security were considered to be very good, an area in which the union have successfully defended their members' terms and conditions- most recently with an above inflation pay deal in May 2013. Pay was regarded highly by respondents, with the local labour market offering few other jobs at similar pay: "What Telecomm pay us for a salary, for [City] is very, very good. The job is not that difficult, not shall we say, skilled. It's a hard job at times, but--" (WDL1). The branch membership secretary, who works in the IT department, transferred to Teleoffice from a smaller organisation nearby, seeing a £3500 increase in his salary:

"In [City], yeah it's alright. The pay is not too bad... 22 grand for sitting supporting a customer, I'm not saying it's easy, you've got people who're very angry... It can be hard when they're shouting at you. But it's not too bad." (WR2)

Another respondent felt he did not have much to complain about:

"What I was thinking about when we were coming along to this [interview], for us, it's like 'First-World problems', you just moan about it, like thinking, there could be a lot worse. I

could be on minimum wage with this, and have to have sex with my boss [laughs]! So it could be so much worse!" (ASL2)

One employee, explaining his securing a permanent contract after a year as an agency-temp commented, "it's a security thing, it's a big company, they generally do right by us…I live a comfortable life, I have security, I pay into ISAs and that kind of thing" (WDL1). Furthermore, workers enjoy a relatively short working-week of 36 hours as full-time employees, structured around a 9-5 pattern. For these reasons, many workers felt that, "we've got it good, as good as a call centre could be." (*ibid.*).

However, whilst rewards were considered favourably, the effort side of the bargain was considered less appreciatively- job security and reasonable wages were sweeteners for what respondents saw as a regime of excessive monitoring and swift discipline. A lay-rep described that the work was only endured because she could make a comfortable wage on part-time hours:

"I only do 25 hours, but the wage is comparative [sic]. I've got A levels, but nothing after that, so I'm not qualified to do anything special. I'd have to work a 40 hour week to make the equivalent. That's the only reason people are still here." (HSR)

The nature of work of work has changed considerably over the last decade, particularly as facilitated by new technologies, which must be considered as a qualification to positive perceptions of pay and security. The following illustrates a workplace regime in which as long as workers perform to expected standards, jobs are secure and whilst jobs are secure the *work itself* is highly changeable according to management fad and fashion. Departments are frequently restructured as particular work-streams expand or contract. The pace of work can be intense and leave is frequently refused if it threatens cover of customer-facing roles. For most workers most of the time, the work is manageable, but if a conduct or capability issue arises, workers' home-life or health hampers their attendance or productivity, discipline is swift and unforgiving.

7.4 The Labour Process, Managerial Control and Discipline

Various types of work are undertaken in Teleoffice, and most of the workers spoken to in Ad-Space and Wed Design viewed their work as comparatively autonomous and

unpressurised. Dealing with difficult customers was considered a negative though inevitable feature of the work- an 'occupational hazard': "The constant crap customers give you over some stupid stuff, and I know [Telecomm] can't really help that, but it's a negative on the job front" (ASL1). Most workers felt ambivalent towards the skill-content of the work, seeing it as *hard* as opposed to highly skilled *per se.* This again was reflected in the feeling that the pay and benefits were generous:

"The customer services side of things, dealing with irate customers, to appease them… Giving good customer-service is a skill, I guess, it's a hard thing… In my new role the customers aren't contacting like a call-centre as it were. We're contacting the customer to discuss *their* product that *they've* purchased… It's as fun as you can make it, but come five o clock--[51]" (WDL1)

"Although I'd say it was an unskilled job, it can be quite a difficult job, especially when you're dealing with complaints. So it can be quite difficult and sometimes you need a bit of back up if you're going hammer and tong with the customer on the phone, you need to know managers will back you up. Wage wise it's a good company to work for, as far as that part of it goes." (ASL3)

Other general problems and gripes mentioned were acoustic shock, the monitoring of toilet breaks and the condition of the building. The monitoring of calls, of wrap-times and so on, were a fairly taken-for-granted features of the work. However, it is the way that these things are managed that was a source of antagonism. Respondents reported that whilst the pace and nature of work were tough but tolerable, there were certain combinational factors that aggravated the stress associated with it- most centrally the aggressive and punitive nature of performance management. Nearly all the problems and hardships respondents described can be rooted to the elastic term 'performance management'. For the purposes of this chapter the term performance management (PM) will be used to refer to all aspects of the monitoring, judging and control of performance at work, including discipline as the punishment for underperformance. Problems associated with PM became more acute following the recession but has been on Teleunion's agenda in some guise for around 15 years. In this section six features are discussed: unrealistic and conflicting targets, shifting goal-posts, perpetual restructuring, the 'rule of stats', line-management

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[51] The implication being he could leave his job fairly readily, and perhaps 'leave it at the door', rather than taking home a great deal of stress.

and lack of decision-making, forced distributions, managed exit and 'PIPs' and difficulties challenging and resisting managed-exit.

Hard, rigid targets were considered a defining feature of call-centre work. Comparison of areas of Teleoffice that were *more* tightly monitored were common, with workers on more complex tasks being more able to manage or get around from targets. However, it is worth noting that employees and representatives both perceived a deterioration:

"Gradually over the last few years, it's like, like we were saying about the wrap, the wrap is now 30 [seconds]. Adherence is now 91 or 92 [per cent]. To get those two targets at the same time, to me, that's a guaranteed nervous breakdown! You're totally call after call after call! You're getting people saying, 'I'm really needing the toilet, but--'… You come off that call and you could really do with just a minute. But the wrap doesn't allow you-- the way the management is, they're just squeezing everything. It's very, very negative! You're it's not a good environment just now at all. It used to be. It used to be quite a good place to work. Everybody worked hard and everything, but at the same time you didn't feel the same pressure!" (HSR)

Compounding the pressure imposed by targets, the aspects of performance deemed important by management seem to change quickly and without warning:

"Anytime you meet a target, they change it and take it higher… The goal-posts are always being moved… One week they'll be focusing on retention, next week it's call handling or your wrap… People are getting very stressed… someone just walked out on Monday and someone else was in tears." (HSR)

Changing targets reflect a broader corporate environment of perpetual flux. Workers experience a high level of uncertainty over expectations and changes often appear senseless, ill-conceived or short-sighted. Workers were aggravated by the lack of explanation as to the rationale:

"For a communications company, there's no communication! Fair enough priorities change, but you need to explain them to people, and why they're abandoning stuff. 'I know we used to hammer you for that but now sorry this has changed'. Everybody puts a lot of stress on themselves, thinking we shouldn't have these abandoned calls. Whereas management are just like, 'meh, doesn't really matter. We've got better things to worry about now'." (ASL2)

Constant reshuffles, made work more stressful *and* remove the buffer of social support that would be provided by co-workers. Restructuring work teams within Teleoffice repeatedly fractured social bonds built with colleagues. The health and safety rep saw a degradation in this respect:

"It's not a good place to work, definitely not! I started about 16 years ago and it's completely different place now. It was a great place to work then- a good atmosphere. You can't even get anyone to go on a night out… Anytime you're now in a team, you're just getting moved again. It's really destabilising."

Thus, security could be a mixed blessing if the location and nature of work being done was highly unstable:

"Job security is good with [Telecomm]. There's no redundancies at the minute. So, as long as you're making the grade, you're sailing. It's good employment. They'll try and skill you into another role- can be a good thing or a bad thing, but it means you don't lose your job, but you might get put somewhere you don't want to be." (ASL2)

Workers reported being thrown into new roles, often with little consultation or preparation, creating considerable stress. This had recently occurred with new roles in training and coaching, with individual trainers passing on their own lack of preparation and stress onto other workers they were meant to be helping. Furthermore, these roles were often a temporary foot on a promotional ladder which never materialised into career progression. One worker interviewed (ASL3) was particularly aggrieved at the way in which people were being arbitrarily selected to move from her department towards web-based products and services. She wanted to transition as quickly as possible into a role within the new expanding department as her current one was contracting. However, she felt that she was perversely punished for her experience and effectiveness in her present role, as management wanted to keep her in place.

The rule of 'stats' was seen to negate any need for management discretion. One worker related this to the nature of call-centres, which she saw as being inherently degrading to work in: "There is always pettiness in call-centres. I think that has to do with managers' need to look like they have a job! Especially where stats are concerned" (ASL3). Line-managers were strongly implicated as the perpetrators, though not the architects of oppressive and punitive PM:

"It seems like their main aim in life is to catch people out for doing anything. There was one guy[52], it was such a shame, his wife had just had a baby, he'd got problems with his health and they just picked on him. He was in tears he couldn't go off sick cause he was on a warning, even though he has this sickness. It's really awful to see people falling to bits just in front of you… The whole performance management thing is being used the wrong way-instead of, 'alright, you're not so good at that, let's try and make you better'. It's, 'right you can't do that, let's get you out!'" (HSR)

A former employee, who was managed-out, felt particularly sharply on this issue:

"I hated them! Every one! The biggest jobsworth was the guy who was coaching me. He'd pick up stuff that was so insignificant. That was his job, to pick apart every little thing. You're trying to get everything right and this guy is picking on everything you do. It's such a stressful situation, it really is, it's horrible! I would get taken in every day for updates, and I would be on the verge of arguing with them every day." (Former ASL1)

The availability of detailed data on employee activity means that line-managers can rely on numbers rather than qualitative considerations, and decisions could be extremely arbitrary: "It's all done by stats. It's all computerised. We're watched over by computers. They don't manage us at all" (ASL1). However, line-managers *could* use discretion and stall disciplinary processes if they wished: "Sometimes though, they'll say, we'll not worry about this, we'll put it in a drawer. But sometimes the stats rule" (WDL1). Many workers complained that queries and informal grievances had been ignored as various managers passed the buck between them. One woman (former ASL2) waited for months to receive an answer in relation to a request for unpaid sabbatical leave. In the end she resigned without a clear explanation as to why she had not been offered this when other colleagues had[53].

Annual leave was important to workers' in context of demanding work and relentless monitoring but is difficult to secure: "The girl opposite me said, 'they can give me a hundred and five pounds an hour, but I couldn't be persuaded to come in here anymore than my normal shift'. I'm like that as well. I should really do full-time but I just can't imagine working full-time the way it is just now" (HSR). This respondent spoke of another

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[52] By coincidence, the person the health and safety rep is talking about seems likely to be the former ASL I interviewed who was managed out via a PIP. Both were young men who were managed out after protracted PIPs, and also had a young baby at the time. I did not confirm this for reasons of confidentiality.

[53] Indeed at one point there was a major drive by the company to reduce the wage bill by encouraging such unpaid sabbatical leave as part of initiatives to avoid compulsory redundancies.

colleague who spread out accrued holiday to lessen her weekly load: "[she is] normally very calm and she said, 'this is a nightmare, I've had a weeks' holiday left. Normally I would brought it forward, but I've taken a day off every week, 'cause I can't bear to work a full week!' People can't face it."

Respondents felt that problems booking leave and increasing obstacles to obtaining full leave entitlement were particularly egregious, with large blocks of time being unavailable to take without apparent reason. Telecomm demands a great deal of flexibility from workers, making annual leave seem like a 'privilege' rather than an entitlement, aggravating general issues with the nature of work:

"The whole work-life-balance thing… people were cracking up- they've got three weeks leave that they can't take a day. The attendance manager was saying, 'well, what's it for? Do you have a valid reason?' People were having to make up, 'my child has got a hospital appointment'!.. People are really stressed, but you can't – say, 'I think I'm stressed, I could do with a long weekend'. The majority of time you can't get it. You're looking at next year and *you can't get a day off next year!* That really makes things worse. The manager actually put an email out saying that if they override leave it's in the interest of [Telecomm]. That gets people's backs up!" (HSR)

Furthermore, a number of representatives pointed to a discriminatory element to the impacts of PM. The treatment of those with underlying health conditions was felt to be relentless, and potentially unlawful[54]:

"A girl just left yesterday- just 22- been here three years, she had a brain tumour so she was off for about 5-6 months. She was back online, and within 2 weeks they were on about adherence. I heard the centre manger say, 'we're paying her 100% wages so we can't have 75% of her time'. I've never had a tumour, but I'd imagine it takes a while to get back to full productivity." (HSR)

Attendance and absence management were the latest focus, as the union had had some success at pushing back on the extremes of 'oppressive' PM in terms of arbitrary discipline. Workers did not necessarily acknowledge any let-up but did note how absence was another route by which the company could quickly remove people should they wish to:

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[54] I.e. relating to disability discrimination.

"You get so many bites of the cherry and then it's down the disciplinary route. It's quite easy to manage someone out, because you could do it through absences, you could do it through like petty things, like when you talk to a customer on the phone, you have to say the correct citations, you've got to do the correct questioning" (ASL3)

Workers also perceived that managers were quick to discipline for absence: "They're quick in the sense with illnesses… you've got a scale of Bradford points. They're quick to come down on that sort of thing" (WDL). From the mid to late 2000s, "Bradford Factor Woes" began to feature prominently as a national issue for the union as well as Teleoffice. The union magazine warned that "people with low level sickness and disabilities who have few but sporadic days off are disproportionately penalised." Furthermore, workers might be disciplined for absence, irrespective of whether they had a medical note to certify illness. Whilst union literature suggests that "discretion has gone out of the system" (*ibid*), workers also felt that discretion might be used when a manager would protect their 'favourites':

"You can't prove you're genuinely sick. You're kind of like arguing- I was ill in bed with the flu, but it's management discretion as well, which pisses me off. There are no clear guidelines… This other guy had the same amount of absences I had, but didn't get a warning 'cause he was chummy with his manager" (ASL1)

Ultimately workers felt that they were facing a fairly brutal regime that are inflexible with staff but expect an extreme level of flexibility from workers: "'Just get on with it, yeah!' This is what [Telecomm] expect of you, we want you to be flexible. They are *never* flexible with you. That's my one big thing. I'll be flexible if you're flexible with me" (ASL1)

Since 2007 at least, there have been complaints about "general inflexibility on people issues in [Telecomm]'s call centres" and formality in HR practices, particularly in relation to the management of performance, attendance and sick absence (union literature). It is this combination of pressures and harsh treatment that workers are feeling as increasingly intolerable:

"I think a lot of people could cope with the mental stresses of work without the added pressure on these HR management processes which make it a hundred times worse than what it was. The mental stresses of work are great but these additional problems- performance management, sick absence management the yearly appraisal, the

performance reports all these things, team meetings add to that stress" (Former Branch Secretary)

Within the union[55], by the late 2000s, questions began to circulate as to whether Telecomm were imposing forced-distributions upon proportions of workers expected to achieve, exceed and fail targets, following a bell-curve. Teleoffice respondents were aware that management could manipulate targets as they wished, suiting their purposes, including shedding labour if they chose to. It appeared to respondents that targets were not defined in relation to a desired level of output, quality or a reasonably expected pace of work but rather as dictated by the fall of distributions of workers failing them, intended to get rid of some whilst chastening the remainder. HR were seen as key in driving formal processes and deciding when to move to discipline. The implication was that it was easier for a distant HR advisor to apply harsh sanctions than a line-manager and that HR's intervention tended to steer and situation in that direction:

"It's the responsibility of the line-manager to make decisions, but the reality is that HR has their grubby little paws all over it. It's the same as performance management. When I go to an attendance case, I always remind the line-manager that HR are there to provide guidance and advice… I am finding there's an increase in warnings being issued on attendance cases. So that is a big issue for us just now" (Branch secretary)

The assistant branch secretary reiterated this point, touching on line-managers' weakness:

"HR partners have got too much of a say in what goes on. A lot of managers we deal with are young, up and coming, keen, but they're not really had a long time to get used to the role, and they rely on advice from HR when really, they should be saying, 'it's my decision'. Every meeting I go to I say to the manager in front of the member, 'now remember it's your decision, I want you to make it. I realise that you have your HR advisor sitting listening to what we're saying, and they can hear me say it. It's your decision'."

Workers who 'underperform' may be placed on 'PIP's (performance improvement plans) which could be the first stage of a managed-exit out of the organisation. There were a number of aspects of this that were viewed as unjust. In the first instance, there was discontent over the way that metrics that covered small parts of overall performance were

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[55] See Taylor (2013).

being used as red flags to begin PIPs, dovetailing into discipline. In a 2007 agreement, the union had underlined that workers must be assessed 'in the round' rather than on the basis of one metric that management were emphasising at that precise moment. However, respondents reported that recently this was not being held to:

"There's just as many people who were great advisers, but because of the way they work everything out, and focused on one particular thing that they maybe couldn't do- they say they'll take three months and they're just going. Can't take it anymore- it's happened to loads of people. Then six months later, the focus is one something else, which they would have been great at! I don't see the rationale behind it. It defies logic" (HSR)

For those who had been put on PIPs, new targets would be added to the list that they had to achieve and simultaneously improve on, whilst for colleagues, the new targets would replace old:

"It was crazy the way the stats would change. If they decide that we needed to get our percentage better, or churn out more, I would have to adhere to that. But if it ever got dropped, they'd never drop it. So, for everybody else, it was relaxing so they could get away with more mistakes and so on. They were like, no, you're started on a performance plan, you're on the plan still" (Former ASL1)

Once on a PIP, dismissal or 'voluntary' exit[56], was practically a *fait accompli* as the standards required to move on were unachievable. One former employee was aghast at how difficult it was for him to 'improve':

"[Once on the PIP] I understood exactly was that they expected from me, what the stats were, and they changed pretty much weekly in the office, it was always changing all through my performance plans, informally and formally, the stats were changed just all the time… I was never getting off it. That's how I view it now. Once I was on it, for whatever reason it started, they wanted me out of there. They were on a mission, there was nothing I could have done or brought up" (FASL1)

Understandably, this worker wanted to know what colleagues, unmolested by PIPs were doing to overcome difficulties that arose in the work:

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[56] Where burn out workers would resign.

"I just couldn't understand why I wasn't meeting the same as everybody else. I felt like I was starting to get picked on and stuff like that. I started taking an interest in everybody else's stuff. I was saying to people, 'I've got this problem, how would you deal with that?' They'd say, 'I'd just ignore it'- I was getting picked up on stuff like that... So I'd bring it up- I knew that people were doing things that they shouldn't be, but they're not on plans, but I was. I knew something was going on. [Management] would just be all nicey nicey- 'we'll look into it, but in the meantime you stay on your plan'."

Eventually, this individual felt he could no longer cope and went off work with stress. Managers persuaded him that it was worthwhile returning to work- with additional support and coaching, he would get back on track and put this unfortunate episode behind him:

"I felt I was losing the plot, like at any point in time I could burst into tears. It was getting to that stage where I was like so angry and starting to get angry at everybody else who were seeming to get away with stuff that I was getting hammered for... When I was off for the stress too, they kept saying, 'come back and we'll do whatever needs done to help you and get you back up', made you feel that they were really like helping you. The minute I was back they were like, 'oh, we can't take you off the performance plan'... [one manager] was just on my case all the time, he started to question how many times I went to the toilet, just blatant bullying"

Finally, he was dismissed. As there was no genuine support or developmental aspect to the PIP, he felt they let it go on too long:

"I would have honestly rather that they didn't just piss me about for months... It wasn't just a couple of months I had to put up with this. I was literally so stressed-out I felt like crying or turning and choking this guy who was just picking holes in my work all day long. I would have rather they just turned round and said, 'look, we don't want you here. See you later'. But they've got to be seen to be helping you- it's mind games... When I got sacked my son was only three months old. They knew this and I hated them for that. For the last six months I just kept my mouth shut and head down. I just wanted out of the rut and into the team again." (FASL1)

His colleagues saw this happening. One was shocked that his managers were encouraging him to leave in subtle 'off the record' ways[57] whilst he was on the PIP.

"Instead of helping to support him and rectify the problem, his manager was coming in with job applications for him for other jobs. 'Do you not think this would be more suited for you?', out-with [Telecomm], 'A sports coach?' Surely that's against the rules of everything?! You're not only *not* offering him support, you're encouraging him out of the job, to leave. It was constant, it was stress, they pushed him and he just lost the plot and they sacked him." (ASL1)

Another colleague expressed anger that the constantly changing, arbitrary targets had such severe consequences for his friend:

"They pick you up for certain errors you might make, you're like, 'does it actually matter?' Apparently it does, when it comes to sacking people it does. There were certain things that were on that that two months later, they'd be like, doesn't matter anymore, they're on to the next thing. And I'm like, 'my mate just lost his job because of that thing and now it doesn't actually matter!'" (ASL2)

Being on a PIP is an uncomfortable limbo. One rep explained the perverse situation that escalating an individual from these stages onto disciplinary procedures was almost a welcome development as it meant that the rep could begin to intervene more and challenge the initiation of a formal process. A few respondents mentioned that some people would cheat their stats to avoid coming under scrutiny. However, this simply meant the bar was raised: "We all knew that people weren't meeting the targets anyway… the company just made them harder. So the people that were good at the techy 'jigger-pokery' could cheat" (Assistant Branch Secretary). Thus, 'cheating' the system aggravated the threat of managed-exits by making the targets appear achievable (rather than unrealistic) and also in coping, workers are not moved to mount more formal resistance:

"I don't think anyone really challenges it. You either find a way around it on the system to kind of joey the figures, you maybe find a way to keep a call on so you don't go into wrap- a lot of the time the managers are not substantive managers. That's fair enough but they're

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[57] Taylor (2013) has referred to this practice as 'car-park conversations'. This was also mentioned by the branch secretary: "there'd be the wee aside conversation in a side room, 'I've got to be honest with you, maybe you should be looking at moving elsewhere'. This was happening again and again."

not challenging anything. They're not saying, 'this is unacceptable'. The people that are managing now, I don't think they challenge anything. And then someone will go off, it'll just get too much or they've managed quite a lot of people out. It's like, if you can't do it there's the door. There's supposed to be a coaching plan, but it's not really, you're just out" (HSR)

The 'better' line-managers are apparently duplicitous in this informal subversion of official rules:

"If you've got a decent manager, they'll tell you to keep off the radar. No matter how you do it, just try and keep everything so-so and that's when people start cheating… you get people who're so scared they'll lose their job, they've got them doing things they shouldn't be doing" (*ibid*)

The union nationally report an exponential rise of settlement agreements over the last year or two, where employees agree to leave the organisation, and are bound by confidentiality clauses and prevented from applying to tribunal, the suspicion is that these are quick and cheap managed exits where individuals receive a small sum of money to go quietly and may disguise the scale of performance-based dismissals.

7.5 Union-Management Relations, Employer Strategy and the Frontier of Control

Respondents attested to a hardening of Telecomm towards the union, and the workforce they represent, going from a good employer "to one that's become quite brutal quite frankly" (Former Branch Secretary). Terms, conditions, rules and regulations were seen to be side-lined and eroded, and alongside the growth of HRMism and sophisticated technologies. Performance and attendance management were seen to now "*utterly dominate,* what goes on… in terms of how they manage people" (*ibid*). HR were characterised as a whispering shadow in the organisation, encouraging management to bypass collective bargaining where they could get away with it, and dealing the blows of managed-exits. Even the weaker route of consultation was seen as increasing absent in management-initiated plans and policies:

"There's a lot of agreements that we've got that the company are testing us on. If they can find a way of avoiding our agreement, they'll just push things to do them whilst avoiding consultation, and now, I believe HR have their hands over that… We've come to a point

now where the good industrial relations we *had* is being tested severely… Not so long ago we'd get a heads up from senior management or the IR guys. We're not ahead of the game anymore and we're not in a position where we can have a conversation at a higher level and have things sorted out before they become major issues. But while the union is trying to negotiate with Telecomm, things are just happening anyway." (Assistant Branch Secretary)

Union reps felt they were no longer warning workers or informing workers about upcoming changes or new practise, the union were learning them from workers' discontent at their implementation- a case of reacting to members, "'shit! What's happened? Let's see if we can sort it'" (*ibid*).

As stressed in relation to the nature of work, the former branch secretary felt that day-to-day management and control of the labour process were most problematic:

"There's a high level of consultation and a high level of agreement with the unions in that. But I've found it's how they manage people that's deteriorated… I know it's causing a lot of personal problems for people, particularly mental health problems."

Union respondents spoke of HR driving a wedge between senior management and the union, emboldening management to take complete control of people management, rather than consulting and negotiating. A number of negative developments were seen to have HR's "grubby paws all over it" (Branch Secretary). Indeed, HR were so mistrusted that at Teleunion's 2008 conference a motion was passed calling for them to be removed from any dealings with appeals of disciplinary sanctions that their advisers had been involved in as it was felt that they were systematically calling for the severest penalties possible. The company has shown a willingness to thwart collective action by both utilising court injunctions on fairly minor ballot irregularities, and also to "parachute-in" middle managers to cover clerical and field engineer positions to break strikes (union magazine 2010).

By 2009, the way Telecomm were utilising information and communication technologies was being framed by the union as aggravating existing downward pressures on headcount and upward pressure on productivity. The ability to monitor ever smaller minutiae of the working day facilitated the emergence of a form of pseudo-science that allows managers to abdicate responsibility to use discretion and qualitative judgement of peoples' performance:

"Every time a process changes the threat ratchets up a bit, the expected production ratchets up a bit. That's the kind of stuff that makes peoples' lives a misery. All the introduction of technology, the info that produces, the computer programmes that are offering-- attached to how they measure performance and workloads and the type of info that that throws up puts even more pressure on people. It's a constant barrage…It's all bell-curve stuff. 20% are good, 60% are okay. The [other] 20 % get it every time. Every one of them is under pressure." (Former-Branch Secretary)

Discretion is subordinated to 'stats' such as demonstrated by the design of a new 'e-performance' system, implemented in 2009 that meant informal stages on PIPs were bypassed and the starting of PM sanctions were immediately and automatically logged formally. Telecomm can make their headcount increasingly flexible by building up huge dossiers of information on workers and manage-out a proportion by manipulating this data should they decide they need to reduce headcount. As the assistant branch secretary put it, "companies can fish for that stuff. It's easy." Part II considers the extent to which these tensions and challenged and addressed, either individually in grievances, or collectively by the union.

Part II

7.6 The Union and its Members: Collective and Individual Contestation

Teleoffice is unusually well organised for clerical, and particularly call centre work. Tele-union represents over 60,000 non-managerial employees that work for Telecomm in the UK and collective bargaining takes place at the national level (with specific agreements for various divisions of the company). Nationally, the union wields considerable power. Pay deals settled in 2013, and 2010 were above inflation and voted for by strong majorities. The 2010 deal involved a ballot for industrial action which was only settled in the "eleventh hour" (media source). Although this was the first ballot in 23 years, it is testament that the union maintains a credible threat of strike action. Whilst this ballot ostensibly related to the pay deal, it is the nature of work that has been most contentious.

The main items on the union's agenda over the last ten to fifteen years can be summarised as relating to three main areas- jobs and security (including the repatriation of work from India, creating and expanding new business, agency workers' rights[58], related to preventing development of a two-tier workforce), pay and benefits, and performance management (including the monitoring and management of work-performance, attendance and discipline). The latter issue is the most immediate to workers, dominating union conferences and magazines, as well as the work of the union's branches in the individual cases they are increasingly dealing with, particularly in defending members in disciplinary procedures. Data from various sources suggest that at a national level, Teleunion has secured *good* terms and conditions for its members in industry terms, and particularly in local labour market terms for the workers of Teleoffice. Furthermore, the union has had some success in prioritising job creation and security, notably in the campaign to repatriate work from India. However, this has meant some very serious concessions for the union in compensating efficiency savings for the additional cost of locating work in the UK and flexiblisation to cover the antisocial hours when Indian call-centres would cover- this culminates in increasingly tight performance management, that has become highly contentious. The difficulty relating to the campaign on PM will be returned in part three. Presently, the chapter turns to collective and individual contestation and their interrelations, firstly dealing with local union activities and then with grievance expressions.

The union branch counts approximately 80% of the 800 employees[59] in Teleoffice as members, with 8 representatives, including a full-time branch secretary, and general and specialist lay-representatives (e.g. for health and safety, women and younger workers). Lay-reps have between an hour a day to two hours a week facility-time to conduct their duties. The branch has a close relationship with the central union who conduct collective bargaining negotiations at the national level, and are confident that their organisation and density means that senior management will avoid over-stretching the goodwill of their workforce: "We've got that 80 odd % membership and if it wasn't for that, they could just slam the door in our face. You know, 'what are you going to do about it?'" (Assistant Branch Secretary). Reps felt that this power impacted the way in which grievances are handled

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[58] Exploring the plight of Teleofffice's agency staff is beyond the scope of the thesis. It should be noted that Telecomm and Teleoffice *do* use agency and temporary labour quite extensively. Whilst many temporary contracts are eventually made permanent, there are tensions about the length of time this takes and the parity of terms and conditions between agency and directly employed staff.

[59] and around 50% of the 400 temporary and agency workers.

locally, with a good many being resolved informally. However, as expanded below, the same informality is not extended to disciplinary cases.

7.7 Grievance Expressions and their Relation to the Workplace Regime

Teleoffice union branch report dealing with a high volume of 'personal cases', including under the term any situation in which they were doing involved in helping to articulate workers' complaints, *or* mounting a defence against some management-initiated complaint (i.e. a disciplinary matter). Taken in this broader sense, the volume of grievances at Teleoffice was considered high and steadily increasing over a number of years with a new case practically every working day. The branch secretary remembered when she first became a representative around 16 years ago, "you would maybe report 2 or three cases in a month. We can have on average 20 cases in a month now." When asked to specify how many of these would be *grievances*, in a narrower sense of worker-initiated claims, the assistant branch secretary reported that of 17 cases that month, one was a grievance in those terms, adding that this was "fairly representative." Thus, representatives spend considerable amounts of their time handling members' personal cases but stressed that grievances were not that high. Two main reasons can be discerned for this.

Firstly, 'grievances' in the broader sense can come under complaints of different names as there are a number of well-established policies and formalised employee relations processes that have been agreed by negotiation to deal with different forms of employee complaint such as discrimination, bullying and harassment, whistleblowing and so on, meaning that there are a number of avenues for individual cases and that the grievance procedure has quite a niche role in employment relations. 'Personal cases' at Teleoffice are concentrated on accompanying members in disciplinary (performance, or attendance) cases and, to a lesser degree, appealing against disciplinary sanctions. That these are so dominated by PM and attendance highlights that the application of these policies are major sources of discontent.

Secondly, representatives stressed that informal resolution of would-be-grievances between themselves, their members and line- or middle-managers was commonplace. The former branch secretary, associated high levels of grievance with non-union workplaces and unsophisticated HR practices, lacking detailed policies and procedures for handling

particular types of issue. In unionised environments, they should be rare occurrences, where managers have refused to negotiate or reconsider positions for the sake of an on-going relationship. This is a measure of success and union influence upon management locally, but it was also seen as often the best way to secure the best outcome for the member:

"Grievance [touch wood], we don't have a lot of grievances here. Now, I'm not saying that there aren't any grievances, but again as a branch, it's not something we have a high percentage of. I feel it's because we try and resolve things as best we can, and try and diffuse it or try and get a solution. A grievance can sometimes really be a long process and quite an upsetting process. However, if members feel that is a road they want to take- if there is something in the background that we then need to take to a grievance then that's fine." (Branch Secretary)

The former branch secretary made a similar point:

"When I left, the issue of formal grievance was being used far more than it ever was. I used to always try and shy away from it 'cause I didn't get the results I was looking for. I would try anything to get it resolved before formal grievance."

On occasions where people were determined to pursue grievances and attempts by representatives to informally resolve matters were rejected by their member, "more often it would be driven by the individual wanting their pound of flesh or to have their day in court so to speak, or get it off their chest" (*ibid*). Formal grievances were viewed as necessary for situations where management *refused* to rectify something that is unfair, and that this rarely happened in such a highly unionised setting. Describing day-to-day member complaints and general 'gripes' the former branch secretary described the appropriate place for formal grievances:

"You're days were full of [workers' complaints]. 'I'm not getting my fair share of overtime', 'this manager is insisting I do this and I'm not trained to do it'… Usually they were sorted in a phone call. You'd say to the manager, 'what's the problem?' and usually find that it's resolved at a low level… If you're in a company with a recognised trade union, you usually find that the managers have got a good enough attitude. The vast bulk of them are happy to cooperate to get these issues resolved, but formal grievance would be entirely different.

I would see it as entirely different. I wouldn't dream of saying, 'put a grievance in 'cause you haven't had the training', I'd say, 'I'll get the training sorted out for you'."

However, there can be a contradiction in terms of the perceived purpose of grievance-filing from different levels of the union hierarchy. At a national level, the union has at times actively encouraged members to raise grievances or challenge disciplinary actions in order to bolster collective campaigns and build a dossier of examples. Grievances could be used to evidence personal circumstances in relation to common problems (i.e. management application of PM). At Teleunion's 2009 conference, a representative from an English branch exhorted conference to utilise the strategy of piling-up individual cases relating to the burgeoning issues of 'performance management' as a way to apply pressure on management: "We could tie [management] up for months with every case we've had. They're asking for them, let's give it to them- show them the evidence" (union magazine).

However, the executive's need for 'bargaining-fodder' may not square with the interests of local representatives (or indeed individual members) in quick resolution of problems: "While nationally I think they would have liked more grievances, my priority is my members really" (Branch Secretary). Avoiding protracted formal processes for the sake of members goes some way to explaining that many issues that are the subject of national campaigns do not appear all that commonly in their individual formulations as personal cases. 'Bullying' and 'oppressive management' are replete within workers' discourse about experiences of work, representatives' summaries of management-style and union campaigns, yet formal cases of bullying are rare. This is related to a difficulty documenting and proving such claims, and also the difficulty for 'bullied' individuals to challenge their treatment: "Nationally, we're being asked, 'get the members to try and raise grievances'! And what we were saying was, 'these people are *so unwell* they have not got the strength to go through the grievance'" (Branch Secretary). Some representatives and workers were also concerned about retribution, "if you raise anything, that's your card marked, you're a trouble maker. That's what it's like" (HSR).

However, whist Teleoffice reps were reluctant to promote the use of grievances, they nevertheless identified collective problems that were causing severe troubles for individuals which were under-represented in formal complaints. However, close alignment between local branches and the central union makes it possible to build nationwide collective campaigns from issues being raised by members locally to attempt to rectify

problems at the level of company policy. The branch secretary, explaining her work, noted that this involved articulating underlying sources of discontent:

"We have quite a heavy workload [of personal cases] here, and I sometimes wonder- it's probably, there are things that you do challenge, that's the right thing to do- But you could start off with an initial formal warning, then you appeal it, then you go down the next stage and whatever. But the majority of casework is representing members in the main, and then appealing decisions, giving guidance, if it is moving to the next stage. Just looking really *for the main issues,* what's creating it?"

Hence, whilst individual cases are perceived to be high, particularly relating to supporting workers facing disciplinary proceedings of various sorts, grievances are seen as fairly low in volume. That most workers' problems can be resolved with a 'quick phone-call' is testament to the level and density of trade union organisation. However, importantly, discipline does not seem to follow the *quid pro quo* of being so easily resolved with a 'quiet word' or 'slap on the wrist'. PM and attendance have become mass areas of discontent, but the union are having difficulty holding senior management to promises to ensure line-managers pull back from overly aggressive application. Collective opposition to PM is considered further down. Firstly, a few points about the effectiveness of individual representation are considered. A number of workers respondents were 'free-riders'[60], who got the main benefits of pay and security without being paying membership fees. They had doubts about what this outlay would obtain, particularly that individual representation had not in the past been able to prevent disciplinary sanctions, but were not opposed to unionism in principle. Members and non-members stressed their awareness of the benefits of the union in terms of their pay, but non-members could not see why they would pay membership fees when they were already covered by the bargaining unit. When it came to helping members with individual problems, a number saw the union as impotent to challenge managed-exits and generally harsh disciplinary sanctions. Whilst Teleunion's own research at the national level has shown that disciplinary cases where union representatives are involved are significantly more likely to be dropped, a number of respondents felt their own experience had not been positive. One worker had been a member but lapsed after what she felt was a frustrating experience with representation in a disciplinary hearing. The hearing concerned sickness absence, but the worker felt that her

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[60] C.f. Olson (1971)

representative used this an opportunity for wider point-scoring, trying to relate her flu to poor air-conditioning in the building which she felt was a stretch of the imagination. She received a formal warning for going over trigger-points, despite having a medical certificate. The same respondent was against taking industrial action that she saw as threatening the comfortable conditions that the union has achieved for them.

For their part, union representatives felt that they had work to do in educating and advising workers *and* line-managers in processes, procedures and rights. Reps viewed workers as increasingly 'needy' and holding unrealistic expectations, often failing to grasp the kind of evidence that might be required to raise a grievance or appeal a disciplinary sanction. Perversely, some of the key problems arising associated with bullying through 'PIP's for example, were the most difficult to provide evidence for. Reps had to teach members how to "make a complaint that would stick," beyond 'stories' and 'anecdotes', including names, dates, documents and so forth, "something that can people can go and investigate." (Former-Branch Secretary).

Thus, whilst some workers saw the union as too weak to make a difference, members and non-members alike recognised that it is very difficult to effectively challenge the punitive and coercive nature of PM- *the* central issue. For one, bullying or oppressive management may occur in private, in very subtle ways without a paper or email trail:

"In my mate's case, I think he went to [the union]… they didn't really help him and just asked what evidence he had that this had gone on. When things are said face-to-face how can you provide evidence? They wouldn't back him up unless he had physical evidence. Now, I don't think there's many managers' or coaches who are stupid enough to email abuse or bulling, they're just not that stupid. So I don't really know how the union really act on that. I know it's probably one word against another, but I don't think they gave him much support on that." (ASL2)

This worker's 'mate' (FASL1) also felt that the union had not helped him, but admitted he had probably approached them too late to halt his PIP, acknowledging the difficulty of disputing an engrained culture among management:

"It was pretty far down the line when I went to the union, and they just basically, they did nothing. 'We don't have time to look at your case. We'll come to the meeting and represent you, and raise any concerns', but they pretty much took no real care. That's the way it felt. I

was telling them that these guys were bullying me, and I'm going to lose my job, but you're too busy? I should have went to them sooner in hindsight. If it happened now I'd be straight to them and getting them to question everything. But really, I don't know how much power the union do have to investigate stuff like that. If the whole management are in on it, which I felt like they were, the management could just say anything."

These non-members were *not* anti-union in principle, but for them, the experience had been that on an individual basis, the union had not been able to effectively challenge their personal experiences of central antagonisms. Union respondents reported that they have a good deal of success at getting most employee-initiated complaints resolved informally. However, it seems that with disciplinary sanctions initiated by management, and particularly where these are not caught before *formal* proceedings begin, there is much less success. For union respondents, blame did not lie with individual reps, but with a need for collective mobilisation to address the underlying issues. However, the health and safety representative explained that the union's endeavours, particularly with regard to campaigning and mobilising, had been too concentrated on pay rather than on the more emotive and vital issue of PM:

"There was pay [as the cause on a strike ballot]- and at that point, people were saying, 'why don't they do it for the performance management thing'? 'Cause people would have gone out for that no bother, whereas the whole pay thing people were saying, 'we're lucking out- others aren't getting a pay rise at all'. Whereas when you're saying, 'we're striking over pay', people didn't want to lose a day's pay over that."

Part III

7.8 Unresolved Tensions: Formulating the Response to Performance Management

Performance management (PM) is the key source of discontent in Teleoffice, but only manifests in grievances to a very limited degree. It is more evident in defensive appeals against discipline, and whilst the union has raised successive campaigns and moved close to industrial action over the melange of issues under the umbrella term of PM, there has been limited progress in solidly securing its aims. This section firstly charts the major union

pushes before going into why it has been so difficult a campaign. Finally, some new directions are outlined (some as proposed by respondents) and others synthesised from the data.

As far back as 1999 the union sought agreement from management to place checks on line-managers' use of PM, towards a less punitive management style. That year, 4000 clerical workers took part in a national day of action over work intensity, stress, 'management-style' and the use of agency staff- essentially a cluster of issues around PM, which manifested in different management practices and problems for workers. In 2007 the union secured another agreement from Telecomm that: performance management would be applied reasonably and responsibly, that bullying and harassment would not be tolerated, fostering a "more supportive and flexible style of management" (union document). However, the magnitude of the shift required was acknowledged and the union asked branches and individual members to be vigilant in assessing impact and reporting any transgressions of the spirit of the agreed objectives.

A year on, following the financial crisis of 2008, there was a significant 'ramp up' of PM and Telecomm unilaterally imposed new appraisal systems. Work was steadily intensified, targets were becoming harder to achieve, and the consequences of failing to meet them harsher. By early 2009, only 'good' performance ratings were deemed acceptable by management and 'generally satisfactory' ratings began to result in at least informal disciplinary action (union magazine). Disciplinary cases rose by 20% between 2008 and 2009, of which half related to service quality and attendance. 'PIP's became worryingly common, with only a limited amount of time to increase performance before they would be 'managed-out' of the organisation. In 2009, the union were threatening collective action over the issue, and set up a dedicated email address for reporting abuses of PM. An emergency motion was passed at conference that if Telecomm did not show a significant change in emphasis towards more "respectful, support and non punitive" management, members would be balloted for industrial action. At this point, the company and union were also in talks about repatriation of jobs and requisite compensations from the UK workforce in terms of greater temporal and potentially functional flexibility. However, with more limited numbers of jobs returning than promised by 2010, Teleunion's frustration grew at accepting new attendance arrangement which were supposed to cover the loss of Indian coverage of customer services. At this point, PM was seen as presenting an:

"explosive cocktail of deep-seated disagreement with [Telecomm]- combined with mounting evidence of serial broken promises by the company- is pushing the division to the brink of an industrial relations meltdown" (union Magazine)

By 2011, a survey of members' perspectives on PM showed that little had changed. In 2012, PM was under "unprecedented scrutiny" (union magazine). Strikes were narrowly averted in 2011 and 2012 over the issue and at the time of writing the issue was as salient as ever. However, in spite of the unions' awareness, and some acknowledgment from senior management of the cluster of problems relating to PM, there has been quite limited headway made to push back an increasingly oppressive management style over 14 years of negotiation and re-drafting of agreements and policies. Where inroads have been made in particular aspect or practice, problems seem to surface elsewhere. PM has involved a darting of management gaze from one aspect of their employees' behaviour to another in search of increased 'efficiencies'. The following relates the lack of resolution on PM to the nature of the employment relationship and the frontier of control.

7.8.1 Difficulties disputing PM as a concept

Whilst PM predates the economic crisis, the banner of 'austerity' has given heavy-handed employment practices justification- all are apparently having to 'tighten-belts' and make sacrifices. The concessions the union won from Telecomm to protect jobs in the UK and avoid compulsory redundancies came with a high price- work intensification, extensification, a ramp up of managerial control and force that was enabled by technology, facilitating close monitoring and scrutiny of employee activity and behaviour. The avoidance of compulsory redundancies incentivised Telecomm to find other ways of shedding labour (by 'managing-out'), without redundancy payments. Whilst the union had concerns at the time, this agreement involved a management plan that an estimated 2, 500 workers be removed on grounds of underperformance as part of a wider plan to contract the headcount by between six and ten thousand jobs. Attempts to attack this aspect of PM has seen management round and re-group, focusing attention on new practices and techniques, with PM presenting a 'moveable feast':

"It's swings and roundabouts. It's like the same thing that rears its head every now and again, and then it switches to somewhere else. Like sometimes they get pulled up quite quickly for sickness, then the next focus will be behaviours" (WR1)

Respondents felt that there had been some success nationally in pushing back the worst excesses of PM. Yet, they had also seen attendance coming more to the fore. Respondents were not always clear if this was an absolute or relative rise, but were certain it was more it an issue, and one that might be even more difficult for reps to defend members against:

"About a year ago, we were in a very bad place. People were getting picked up for stats that were unmanageable. They seem to have shifted the goal-posts a little and now they're tackling it from a different angle. There's been a shift, and it doesn't matter whether our member gets an invitation to a disciplinary for a performance or for attendance. The stress is still the same. And you've got to deal with all that. We'd had a reasonably good IR[61] relationship in here, but it's tested severely at the moment." (Assistant Branch Secretary)

This respondent shared his pessimism about the likelihood of radically altering PM, pondering whether attendance was simply the latest guise of the managerial offensive: "I don't think it will ever go away… Maybe sickness absence was always there but it was over-shadowed by the worst scenarios of performance management cases we had." The central difficulty is that what is being contested goes to the heart of the frontier of control between management and workers. Pushing back PM equates to challenging managerial prerogative in a fundamental way, hence why this has been such a vital issue to workers, but one on which they have made limited headway despite concerted condemnation and a unified campaign running over 14 or so years. The branch secretary explained how 'the problem' is engrained into the day to day activities and experience of Teleoffice and also practically inescapable for those who fall victim to it:

"It's performance management, but it's more than performance management because it's endemic, they're not getting out of that cycle: they feel ill, they stay off with sick absence, they come back, the performance management is still hanging above them. They've got a manager who has been on their back. I give credit to the managers on site who have got behind it in spirit. There are still issues, I wouldn't been in a job if there weren't issues, but

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[61] Industrial Relations.

we have definitely moved on, and thank god for that! But what then became a performance management was then moving to bullying and harassment."

Formulating a pointed attack on PM requires an 'acceptable vocabulary' of motive[62]. In principle, rigorously managing employee performance, and removing those who are shown over a period of time to be failing to meet required standards is an irrefutable aspect of 'managerial prerogative'. Yet, it is slippery to pin-point when 'robust' becomes 'bullying' management, or expectations of 'high performance' become 'unreasonable demands'. As well as a growing objective problem with PM (however described), the last 14 years has seen a development of the union's formulation of that 'problem': Back in the late nineties, as issues to do with the pace of work and management style were beginning to surface, they were largely unconnected to the handling of discipline. Descriptions of management as 'inflexible' and 'unsupportive' in the late 1990s and early 2000s, turned to stronger characterisations of an 'oppressive' and 'bullying' regime which appeared more frequently post- 2008. Also discernable in union documents is an increasing connecting-of-the-dots between discipline, attendance, mental health issues and other clusters of problems associated with PM. By this point, Teleunion felt that they now understood the mechanics of PM, and that sentiment among the rank-and-file was so impassioned and emboldened that Telecomm would have to take heed:

"There are some times in industrial relations terms when all the ducks line up in a row, the planets are aligned, the clouds brewing and the winds are blowing from the east- and you have all the elements in place for a perfect storm." (assistant secretary, union magazine, 2008).

Still, progress on improving the working environment did not materialise to any great extent and Teleunion's own literature expressed increasing impatience:

"10 years after the much vaunted [name] agreement… promised best practice management style across [Telecomm clerical], the promised change remained elusive. The subsequent {2007} agreement faired no better, largely ignored by operational managers whose behaviour it was intended to challenge… bitter experience over many years has borne widespread cynicism that that fine words alone will not translate into action." (union magazine, 2010)

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[62] Drawing on Mills (1940).

One activist explained the situation and pointed to the role of research in helping to formulate a more effective campaign:

"You used to attack performance management with managers in the company, but we were never got anywhere, we'd just be tinkering the edges, or tampering with the processes, but ultimately they just slip back. It was impossible to police the thing or keep a real firm grip on it... I thought, I really need to get the brutality taken out of it, and the company will never give up that power. It dawned on me, if we could get an academic study, somebody that is detached as well from the industry that we're looking at- this would be a good thing. That would provide us with a basis for being able to say to companies you can't go on doing this and this is the proof." (Former Branch secretary)

In the early to mid-2000s, academics also began to question the operation of 'forced distributions' of quotas as workers who were deigned to be underperformers, either slackers or incompetents who organisations should rid themselves of. The way in which PM was being conducted was shocking to representatives in the study and branded "an inhumane way of treating people" (Taylor 2013: 9). This firmly resonated with Teleoffice's experience. The report, combined with Teleunion's own surveys of its members have been important to the union campaign, cited as 'bargaining gold' by the executive. The 2012 survey showed that over a half of 8,000 members surveyed felt that there had been no improvement in PM, and a further 38% felt the situation had deteriorated. A year on, a record number of survey respondents (10, 600) reported that PM was worse or much worse (50%), with only 6.8% reporting any improvement.

Given the long history of negotiation over PM that has failed to filter down to tangible changes in the experience of workers, there are those that think a change of tack in how the problems is framed is necessary to move the campaign on. Two themes emerged- one related to existing legislation available as a resource to attack the effects of PM on grounds of discriminatory elements, the other related to the need for new legislation with more specific health and safety protections related to mental ill-health. As mentioned above there was a feeling among representatives that the treatment of those with long-term health conditions and disabilities was potentially discriminatory as it disproportionately impacted older workers. Attachment to work and stage in the life-cycle, were viewed as making older Teleoffice staff more susceptible the effects of PM: "If you're older it's your livelihood. You've got more to lose, so the stakes *are* higher. But performance

management, I'm not saying younger people don't care, but it seems to rub off their back quicker" (WR1). This also tended to overlap with gender, with PM being particularly problematic on those with domestic responsibilities: "You're looking at the demographics, and nationally we've said that- middle aged women, part-time women, part-time workers find it harder to keep a track of learning and briefings, and their skill-set's so wide!" (Branch Secretary)

Whilst demonstrating discrimination involves utilising and framing PM as running into breaches of existing legislation, one respondent was very passionate about the need for *new* legislation. The Equalities Act may be a useful tool to protect some, but it would probably not assist the likes of the former ASL (a young, white, male) who was managed-out of Teleoffce. The former Branch Secretary, still active in campaigning against abusive PM, felt that health and safety legislation had made great improvements in protecting the *physical* well-being of workers but that it was ill-equipped to protect workers like those at Teleoffice from excessive PM and the like. Legislative protections have not kept pace with the changing nature of work, from that which taxes people physically to that which stretches peoples' mental and emotionally capacities. Quite specific protections might be needed to halt the offensive of PM:

"There was a lot of health and safety that actually stopped employers [from] damaging employees' physical health. The amount of weight that one individual is allowed to lift is something like 15 kilos or something- I've got more on my dumbbells. But there's a whole raft of legislation that was brought in for people working on scaffold, up roofs, down holes, it was all designed to stop people's physical health suffering. But there is nothing I could see that is quite as comprehensive for stopping peoples' mental health getting damaged… They look at the physical damage and understand that. Trying to understand the mental damage is much more difficult." (former Branch Secretary)

He felt it was particularly important for workplace reps who are in frequent contact with members suffering under PM to know how to effectively formulate grievances. Discussing the need for multi-disciplinary collaboration to garner the resources to substantiate this idea he felt would require the input of occupational- and mental health experts as well as a variety of industrial and organisational specialists.

These two emerging seeds, of equality and health and safety as ideational resources around which to formulate campaigns and protections, could be useful in sharpening the attack on PM. Present bargaining tactics have only secured thin promises of cultural change and better informed line-management from Telecomm. The problem with attempting to push for more "supportive", "respectful" PM is that "the employer gets to pick and choose how to interpret it" (*ibid*). Thus, more specific protections could make a difference to front-line workers. Health and safety legislation has undoubtedly improved the lives of working people, although it took some time following the industrial revolution for the labour movement and then government to make the case seriously for protecting workers in heavy industry and then beyond. It may be that activists are now just emerging to identify and publicize the hazards and harms of more contemporary forms of work.

7.9 Conclusion

Teleoffice is a workplace that has retained a legacy of robust trade union organisation and a considerable bargaining relationship with Telecomm. Workers perceive their pay to be generous and job security (if not security of the particular work they are employed in) to be good. The Teleoffice branch has a strong presence and report a respectful relationship with management. Formal grievances are quite infrequent and most of the time can be resolved by a 'quick phone call' between rep and line-manager. However, the same cannot be said for disciplinary situations where management tend to enforce harsh sanctions rather than seek informal resolution, and the nature of work and its management is seen as increasingly punitive in general. The aggressive management of performance, attendance and discipline have been on the union agenda for around 15 years without great improvements being made. The union are beginning to look at how to move the agenda on and find more effective formulations to challenge Telecomm with.

Whilst grievance expressions can be considered fairly rare, they are more prevalent than in Shipyard, and also unlike Shipyard, grievances expressions are more often pre-empting discipline or appealing it- a defence of the frontier of control rather than an extension. Workers are generally contented by employment security and pay, but there is a very high level of discontent over the nature of work and politics of production- the stifling monitoring of performance and attendance, arbitrary targets and swift discipline. This

amalgam of issues that comes under the umbrella of 'performance management' are at the frontier of control between management and workers, and as such the union have had difficulties making serious in-roads. Telecomm have been willing to alter specific practices as problems are articulated by the union, but tend to round and re-group, finding new areas of the labour process and its performance to monitor and squeeze. Part of the difficulty contesting PM is separating out acceptable and unacceptable practices and uses- e.g. distinguishing tough management from 'bullying'.

All this means that whilst it remains a public issue, PM is also a pack of serious personal troubles that find expressions in grievances- a request for leave denied, an absence explained with a medical certificate denied legitimacy, but even more so in defensive actions against discipline. Because of the contentiousness of the issue, its centrality to relations of power between management and worker, the union have continued to seek new formulations in which to articulate conflict that will be deemed legitimate, relating it to specific health and safety protections, or protected characteristics such as sex and disability. However, as the union have secured a baseline of fair treatment and the strike threat remains a clear potential, grievances tend not to be of the clustered kind found among ERC respondents. Workers tend to value their jobs at Teleoffice and when they have complaints to make, they tend to be of a fairly discrete nature- there is a clear problem and a tractable (if temporary) solution being sought.

The next chapter presents the third workplace case study of 'Bankcentre'. In many respects the work and workplace are similar to Teleoffice- a customer contact centre where performance management is the central area of antagonism. However, the union is less entrenched nationally, and locally, the union branch as a considerable force is a fairly recent invention. Here, grievance expression is more central to workers and the union as a means of articulating discontent, attempting to achieve what is only weakly held by collective agreements.

Chapter 8:

Employment Relations and Grievance Expressions at 'Bankcentre': Fear and Loathing in the Financial Crisis

8.1 Introduction

This chapter continues the examination of grievance expressions in relation to workplace regimes with varying levels of trade union organisation. As in Teleoffice, performance management comes to the fore as the central antagonism, providing a lens to examine the relation of grievance expression to the workplace regime and the frontier of control. 'Bankcentre' is in many respects similar to Teleoffice. However, union organisation is considerably less dense, and it has been under greater pressure following the financial crisis and ensuing recession. As in the last two chapters, the data are organised into three substantive parts. Firstly, the setting is introduced, the nature of work, and sources of discontent are described. Secondly, the extent to which these discontents are expressed and contested is explored, considering union organisation and collective campaigns alongside grievance expressions. A third and final section looks at ongoing tensions, considering the residual antagonisms experienced and expressed.

8.2 The Research Site

'Bankcentre' is a customer contact centre, employing around 800 people to handle financial service products for 'Banco'. Banco is one of the 'big five', described by union respondents as a "very challenging place to work." Even the chief executive last year commented that post-crisis, working in Banco was "uncomfortable" (media source). Whilst data for all of the case-studies presented were collected under the shadow of recession, at Bankcentre its effects were most dramatically evident, with financial services being the sector where recession hit first and hardest. The sector has however, been undergoing significant change over the last 30 or 40 years The 'big bang' of 1986, saw radical deregulation of financial markets (c.f. Harvey 2005, Crouch 2011), with intensifying competition and increasing risky lending practices (Gall 2001). When the system collapsed, there was a domino effect of

large banks going bust. Bailouts and stimulus packages by governments in the US, UK and wider Eurozone have given the public a greater stake in banking reform, adding pressure to return to profitability, which has been translated into massive job losses. Closer scrutiny of the sector then led to further penalties being imposed on banks that then needed to compensate customers for mis-sold financial services. Branch-banking, although in decline already, was a particular casualty with further cut-backs, sell-offs to foreign-based multi-nationals and closures.

Reform has become a grave political issue, yet predominant images in the media of 'bad bankers' tends not to distinguish the 'fat-cats' from ordinary front-line bank workers who have paid for the crisis with their jobs, work intensification and wage-freezes. Bank workers have reported being verbally abused by disgruntled members of the public, as well as customers, but are themselves "at the absolute centre of a vortex" in relation to the crisis and recession (Ellis and Taylor 2010: 808). In the period between 2008 and 2011, the financial sector has shed over 150,000 jobs in the UK (union source), with tens of thousands going from Banco. There have been sackings of 'rate-fixing' executives and a few high-profile resignations among senior managements in response to particular scandals, but the sector has largely resisted calls to seriously address the 'bonus culture' and wide pay-differentials. Executives' pay in 2011 was estimated at between 95-105 times that of the lowest paid staff level (union document), which the union has argued encourages continued 'casino capitalism'. Governments refrained from extensive regulation of the sector, resting on the justification of free market economics and the need to retain top talent through competitive pay packages. Still, a backlash has been evident, and framed in quite radical terms. In one online campaign against the payment of bonuses to the bailed-out RBS, former Deputy-Prime Minister, John Prescott, has said that the "raw capitalism" that allows such levels of pay-disparity is "morally and economically outrageous" (*The Guardian,* 2009).

The union in Banco has been more militant than most in a sector, having won recognition from Banco in the 1960s, is one of the few in the sector that did not sign a partnership. According to Gall (2001), bank workers in general became increasingly adversarial from the 1980s onwards in response to a degradation of work (*ibid*). This period saw heightened competition, the availability of new technology, offshoring and other forms of

rationalisation, work intensification and insecurity, and ultimately irresponsible lending practices, have "obliterated" the sector (National officer for finance).

Of 800 workers in Bankcentre approximately 28% are union members. Nationally, the union has 25,000 members within a national bargaining unit of 60, 000, and count around 120,000 workers across the financial sector as members. However, the Bankcentre branch is a recent creation. Between 2010 and 2013 a group of activists have taken the workplace presence from one representative and less than ten % density to seven representatives, and an organisation with nearly a third of the workforce in membership (slightly above the average for financial services sector). The chapter charts this development alongside examining the nature of work, discontent and the extent to which this is articulated individually and collectively, unresolved tensions and how these relate to grievance expressions.

8.3 The Nature of work and Sources of Discontent

"I thought [previous workplace] was a terrible place to work- till I started here" (WR3)

Banckcentre is a customer-contact centre providing a range of financial services. Pay and levels of autonomy vary across departments and grades according to the degree of complexity in the financial products and services being handled. However, uniformly, there was a very strong sense that work and employment relations have deteriorated dramatically over the last few years. There is growing resentment towards an employer that is seen as having progressively hardened towards its staff. Workers expressed a strong commitment to their work, but their goodwill towards their employer was fading. A national sectoral officer effectively summed up the mood: "Workers get sod all in pay, are bullied towards targets… [Banco] treats its workforce with contempt." However, pay and conditions are overshadowed by job security as *the* issue that members within Banco express greatest concern over, as demonstrated by a 2012 union survey of members. There is a strong sense that workers are 'riding out' the economic storm: "People just say, 'I'll just put up with being underperformer this year', or 'I'll work that little bit extra because I so need this job, I need to pay my mortgage, I need it for my kids''" (NationalOfficer1).

Bankcentre itself is not expecting redundancies at present. However, increasingly aggressive performance management, culminating in an expedited process for the 'managed-exit' of 'underperformers', means that redundancy is not the only, or indeed main basis of insecurity. However, this more continuous and stealthy threat has dampened opposition with most workers' keeping their heads down:

"People challenge when they are sitting in a group round their desks, 'yup, banks are a bad thing, we're not treating people right, we are not doing this right, we're not doing that'. 'Are you prepared to do anything about it?' 'No'. And the large majority, they're all annoyed, they're all angry, but the fear factor is there, so they won't stand up and say, 'this is wrong!'." (WR1)

During the research period (2011-13), relations at Bankcentre were palpably deteriorating. Workers had been braced for tough times following the economic crisis, but by 2013, Bankcentre respondents felt that goodwill had been stretched to breaking point. Persistent hard work and self-sacrifice had not been rewarded, whilst minor errors were swiftly and severely punished. People felt increasingly ambivalent towards their future within Banco:

"People just switch off and think, 'I'll go into my work, I'll do my job, and then leave again, I'm not actually going to do anything more'... There are still an awful lot of committed people in here, who would bend over backwards for them. But when you see how they are treated, you actually wonder, why bother? The minute a mistake is made, regardless whether you were the person who was bending over backwards, day in and day out, they'd still shaft you! That's the way [line-managers] seem to be trained." (WR2)

Pay was a source of anger but less so than the nature of the work itself, which was becoming almost unbearable for many. The trajectory of change in recent years had been a steady encroachment of managerial control and intensification, and a withdrawal of flexibility for workers. A national officer gave a synopsis:

"We are seeing a tightening up on all of the processes, automation, very monotonous type tasks, far more scrutiny on call-handling times and the type of dialogue you can have on the phone with customers... 'Don't get into too much conversation with people, keep your average call-handling times up. Do the minimum that you have to do and get on to the next call, the next customer, the next opportunity'. The instance of comfort breaks being

monitored, questions being asked, breaches of their health and safety and dignity at work, all of that stuff." (NationalOfficer1)

As Banco had closed other contact centres and Bankcentre were absorbing more work from high-street branches, work was being intensified, micro-breaks from the work station and leave (whether annual or relating to dependents or medical appointments) were becoming difficult to obtain, as with skeleton resourcing, it was difficult to ensure there was cover.

8.4 The Labour Process, Managerial Control and Discipline

Bankcentre provides a range of financial services varying in their value, and corresponding levels of task autonomy and discretion. Around half work in simple phone-banking or sales which are very highly monitored and targeted. The other half are salaried staff who work with complex financial products (such as mortgages) where the work is less amenable micro-measurement. However, that has not prevented managerial attempts to more tightly control and time the labour process, making all aspects of performance increasingly transparent. Even those at higher grades were increasingly subject to monitoring of *every* task they perform. Work is experienced as stressful and often degrading. A number of respondents said that over the last few years it was not uncommon to see colleagues sobbing in the office.

One underwriter typified many of the features of the nature of work and the trajectory of change that Bankcentre has undergone over the last few years. Over 13 years, she had seen her work intensified, with more tasks to do in less time:

"It's got to the stage now, this year, I just don't care anymore. I just don't care. That's down to the way I'm being managed, and staff are being treated in here. I wouldn't be upset about it if I walked away, but I used to love my job in here. I think as well lot of it is down to management and the management's attitude- they seem to have a negative attitude towards staff any excuse to build a case to discipline you. They set out to target you to discipline you, not to manage you… the fear factor comes in- they ask you to be open and honest but when you're open and honest with them they don't like it. They say you've got negative behaviours if they don't like what you're saying. It will get marked on your interaction sheets and will show up in your end of year review." (Underwriter)

Commitment and pride in their work was increasingly hard to maintain for many:

"I love my job, I really do, but I think the way they manage can be quite scary. My manager would check your stats every hour. Most managers will tend to look very few hours, 'right, you're fine. Do you need any help?' She was checking me constantly, every fifteen minutes, 'Have you done this, have you done that'? It's scary… And there's a lot of new systems coming in, and people are scared, because it just seems like it's another way for people to be controlled." (HSR1)

The problems and discontents that were recounted can be related to the overarching concept of performance management (PM) as the main source of conflict. As is the last chapter, PM is used to refer to refer to all aspects of the monitoring, judging and control of performance at work, including discipline as the punishment for underperformance. PM was seen to ramp up significantly post-economic crisis, around which time the union magazines began to describe a "sharper" more "aggressive" approach. Shortly before data collection had commenced, an article appeared in a national newspaper featuring a Bankcentre employee complaining about the character of working conditions[63] on the site, how she lived in fear of being sacked, and cries practically every day because of the stress. Bankcentre union activists then redoubled their efforts to organise the workplace. Still, despite significant recruitment and consolidation of the branch, three years on, the situation with respect to PM had not improved and had likely worsened. Respondents felt management attempted to trip them up, blowing petty errors out of proportion, bullied and tried to "squeeze every last drop out of you" (WR1). The core of this- the increasingly 'bullying', "punishment centric" nature of PM (Nationalofficer1) is broken down below in relation to the use of monitoring, the nature of targets, the expectation of continuous improvement, the behaviour of line managers in deploying discipline and attendance and absence management.

What workers do with their time is minutely monitored for every minute of the working day: "Everything's recorded down to the last second… managers are producing details of how long people have been on toilet breaks. 'You've used your toilet allowance for the day, you can't go again!' It's absolutely ludicrous" (NationalOfficer1). 'Personal idle time', including leaving your desk for anything beyond printing (i.e. bathroom breaks, making a

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[63] The term 'performance management' was not used in the article, but the themes raised fit the definition employed here. It mentioned arbitrary targets, harsh discipline and dismissals, fear and stress among workers.

cup of tea), is allocated 14 minutes a day[64]. One rep, discussing the nature of his work, felt that this was the clearest illustration of the demeaning treatment they received:

"I've found myself trying to, know, hold it in [when he needs to use the toilet]. Honestly, I don't think it's doing me any good! It's 14 minutes per day. It's 4 % of your time a day... If you go over you get interrogated in front of people in the team huddles[65]... My manager would send an email saying, 'these are your personal idle times, those highlighted in red, could you please explain to me why yours was high'. It's quite embarrassing going to your manager to say you had an upset stomach, or you've got a chill or whatever." (WR3)

A monitoring tool was introduced in 2013 which logged virtually every task workers were engaged in on their shifts (from being on a call to a colleague, to personal idle time) so that every minute is accounted for. The higher grades have the discretion to input their own data as opposed to being automatically timed by synchronising technology (as in contact-banking). Poking fun at the degree of micro-monitoring, workers joked that there should be two numbered buttons to press for toilet breaks to distinguish those trips that might be expected to take longer. Respondents believe that Banco are amassing data on all workers which can then be used against them should they wish to do so.

Whilst a high level of monitoring is accepted as part of the nature of work; the combination of arbitrary targets and swift discipline turned grudging acceptance toward anger. Targets imposed on workers were particularly galling because of the severe and swift consequences of not meeting metrics that they felt do not reflect performance adequately. "Non-negotiable and often unattainable targets" (Union flyer 2012), permeate every level of the hierarchy: "It doesn't matter what role you're doing, there's pressure" (WR1). In spite of the crisis associated with 'bad debts', targets still invite risky practices, incentivising workers to push financial products on customers, whether or not they are suitable to take them:

"[Not securing a lead]'s not necessarily the agent's fault. It could be they are getting a lot of calls from customers that aren't eligible to take certain products... In the past it would not go against you. It was based on the number of *eligible* calls. Now it doesn't matter, they want you to get 6.5 leads to application per week. Even if you're off for a fortnight in the

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[64] It had been 15 minutes, but the bank decided to level down Bankcentre's division in line with another arm of the organisation in the name of 'fairness and consistency'.

[65] These are team meetings where targets are set and managers attempt to motivate staff.

quarter they won't adjust it for you that way. So people are coming back, like me just now, I'm sitting on 50% and I've got a month to go. I'm really stressed, it's an uphill struggle, and every day you'll have a team huddle and the operations manager will come over just create unnecessary stress. They'll ask, 'how many leads are you going to get today?'" (WR3)

Management continually raise the bar, leading to mounting pressure. Targets are revised every quarter:

"It just keeps getting harder and harder, they keep moving the goal-posts and as soon as you have a bad week, you get moved on to like an action contract[66] and a lot of people are stressed by them" (WR3).

As targets are shuffled and new aspects of the product or service come into focus, people who have generally been coping and performing well may quite suddenly fall foul of them. As the high-street branch networks are being contracted, Bankcentre was taking on more 'branch calls', often with insufficient training which led to failing quality targets:

Bankcentre is adorned with banners, and 'inspirational' mantras on walls and glass panes exhorting staff to strive for 'continuous improvement' and 'excellence'. However, respondents felt very strongly that PM is not configured for developmental purposes, but rather sets up a certain number of workers to fail. Continual improvement might be possible in highly complex work that is constantly being up-skilled, but in Bankcentre this was experienced as endless work intensification. Rather than being offered support to improve performance, a "training issue" being identified is code for the start of disciplinary proceedings: "If you have three training issues for the same thing it could go to a disciplinary. It's just a way of getting people to toe the line. A lot of people off with stress" (WR3). When asked if either Banco training or union learning courses helped people cope with the requirements of their work, reps emphasised that the level of discipline was not reflective of a lack of capability but a system that sets people up to fail:

WR1: "People's confidence might be helped by the education courses, but the performance management issues, people aren't getting any help with that. They're not geared towards that. It's purely dehumanising people it's taking away their dignity, putting them under too much pressure, too much strain. That's what they are doing. "

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[66] Referred to here and at Teleoffice and Shipyard as 'PIPs' or 'performance improvement plans'.

LR: "You can be the most intelligent person in the world, but I think when anybody's pushed to their limits, errors are made and that's how they're getting everyone."

Lower grades were found by union research to be ten times more likely to 'underperform', reflecting a cascade of pressure downwards through the organisation, putting the lowest rung at greatest risk of being managed-out. "What the bank has done is two-fold. Shake the tree and see who falls out- which is going to reduce the impact. They've then got the option they are already starting the underperformance [process] running- they're looking at disciplinaries" (SeniorRep1). PM thus has a two-fold effect of skimming a layer of workers from the wage bill through managed-exit, whilst also frightening more to leave voluntarily. Many leave before discipline starts with turnover reported to be very high by respondents:

WR3: "it's frightening the number of people you see disappearing and then they bring in a new academy- another 12 bodies every 2 months... each new group, at least half disappear. Me and [WR1} dealt with a girl a few weeks ago- we were supposed to go on a disciplinary and she left, she handed in her notice because she couldn't take it anymore, she was crying before she came into work."

WR1: "she was jumping before she was pushed, so they're leaving, not because they've got a better job, they know- if they leave they'll get a reference. If they get disciplined the reference will show that."

Line-managers are perceived as being very quick to discipline. One rep commented that "over the last year, if you *breathe* too loudly, you'll be disciplined" (Reps' seminar 2012). Whilst hyperbolic, examples from Bankcentre made this seem less far-fetched. One worker, having been in a new department for a matter of days, was given a warning because he failed to attach a required document to a letter. A union appeal was rejected. The regional organiser found Bankcentre's disciplinary rate to be extremely high relative to comparable workplaces and *all* branch reps had received at least a warning themselves:

"They're just so heavy-handed, there is absolutely no room for air. I've had personal experience as well, I was disciplined for having three errors in the year... They just pick up on the smallest things and use whatever they've got to get a hold of people and discipline them." (LearningRep)

Banco substantially reduced timescales for managed-exits in the last few years. The 'robust' performance procedure as Banco termed it, is a "concertinaed" (NationalOfficer1) version of a process whereby those identified as underperforming may be disciplined within four weeks and can be 'exited' from the organisation within twelve where previously it was between 24 and 36 weeks.

In principle, line-managers have considerable discretion as to how they apply PM. However, reps reported that managers rarely knew what the appropriate policies were, and on seeking the advice of HR, they nearly always chose the harshest disciplinary sanction. Ultimately, line-managers are simply doing what they perceive Banco expects of them and some are frightened into unfair treatment to protect their own backs:

"Line-managers are expected to behave in a certain way and if they don't, they won't be a line-manager for much longer. I don't know what their targets are, 'How many disciplinaries have you had this month?' 'Excellent, keep it up!' [laughs]… colleagues feel similarly to how I do about management and how they approach people…. I think it's getting worse since I started." (WR3)

In addition to the management of performance whilst at work, the aggressive pursuit of full-attendance and absence was becoming increasingly contentious. One worker said that working in Banco was "fine- until you go off sick" (Financial Processor). Even keeping atop of their performance at work, workers are not free form fear of discipline, with medically-certified absence also frequently questioned:

"You're just constantly living in fear… [after an absence] *I knew* I was coming into a disciplinary… I was in a lot of pain. *I was on morphine and I agreed to come back!* Cause I was so feart of staying off longer." (HSR1)

A number of respondents felt that they had themselves, or witnessed others being 'bullied' into attendance:

WR1: "We have this sickness absence policy which is actually used to bully folk, but they're not breaching their bullying policy because they're following other policies, but it's not designed that way. The implementation has the effect of bullying."

Financial Processor: "that's what it feels like when you're going through it."

Some had put their health and wellbeing behind their concern to avoid discipline. One underwriter turned down an offer of surgery she had been waiting on for months as she feared taking time off:

"After having 11 days [off] in four years, my manager said, 'you go off sick again and I'm stopping your salary'! *Knowing* that I'm scheduled to go back to hospital for surgery... They phoned me and offered me a date, but I was thinking, 'I've got this disciplinary hanging over me, they're talking about stopping my salary, you know. I need to wait until this is sorted'." (Underwriter)

A financial processor going through the grievance process had been disciplined for going over trigger points with certified illnesses. She had a vomiting-bug that was so severe it caused an injury to her shoulder. Whilst her doctor had certified that these were related, her manager refuted it and "*pushed* for a disciplinary 'cause she said I was constantly over triggers." People with underlying health conditions who had made these known to their managers were still closely scrutinised over whether such absences were related. A rep gave the example of a woman who had recently suffered a stroke who was cautious in case related symptoms reappeared:

WR1: "She'll get a migraine, and she might not know for two or three days if it's serious. She went home one day, and they were saying basically cause it wasn't a stroke, it was a separate illness."

WR2: "basically 'cause you're not dead!" [it's not a real illness]

Whilst being aggressively pursued during leave to return to work, workers complained that adjustments to their work, working- hours or work-environment to help them return rarely materialised. Bankcentre reps felt that a good deal of sick absence was caused by work-related stress, further aggravated by the nature of absence management:

"I know a lot of people off with stress just now… on long-term sick. The bank expects a phone call every day. See if you're suffering with stress you don't want to be calling into the work every day!.. 'cause you don't want to come back to work and have managers on your back, to victimise you. People are scared!" (WR3)

Other types of leave were similarly difficult to obtain and closely scrutinised by management. Reps shared some shocking examples: "We've got one woman who was

going to raise a grievance, her daughter tried to commit suicide and she ended up with a written warning for her time-keeping" (WR2). Reps shared their disbelief at the callousness shown by some line-managers who assumed workers were abusing the system, which "just doesn't happen" (WR2). Relying on arbitrary figures and slavishly following policies to the letter allowed line-managers to avoid taking decisions as they lacked the skills to deploy necessary discretion. For their part, workers were treated as though absence levels were something within their control: "That's one of the comments they made towards me, 'current levels of absence couldn't be sustainable'. Am I likely going to go and hurt my arm again? No! It was an unfortunate incident" (Financial Processor).

"[Banco] consistently adopt those measures, because they want to be seen to be treating everyone fairly. Regardless of whether or not they have an underlying health condition, a disability, a genuine reason for their absence." (NationalOfficer1)

Whereas Banco used to offer workers greater flexibility, this kind of 'slack' was no longer available as workers find their requests for payment of overtime or are met with responses such as "there is no budget" (union Magazine). Respondents recognised the pressure line-managers were themselves under, but the concern is that they consciously inspire fear in their subordinates in order to meet their own targets:

"It is just the drive for, 'I want to make a name for myself'. If you're scared to be off, you will come in and you will work. I think you work better for a manager that you can go to and say, 'listen, I have to go to a hospital appointment. Can I switch my days?'" (HSR1)

8.5 Union-Management Relations, Employer Strategy and the Frontier of Control

The account given by respondents was of an employer who had radically hardened over a number of years, most drastically following the financial crisis. To summarise: There used to be 'give and take'- staff worked hard and generally received a fair return through job security, reasonable pay and flexible-working arrangements. Such luxuries had disappeared. When asked how working in Banco had become so challenging a national officer offered that management's 'lean' agenda had stripped away any grace and decency from Banco, the frontier of control had been far advanced in management's favour as workers had had the rug pulled from under them. Following the financial crash:

"Staff were starting to say, 'we'll just do a little bit extra'. They were probably quite happy to do it, because they had quite a good relationship with management… where people say, 'My manager's great. If child was unwell, or if I needed a hospital appointment, it's never an issue. But what has happened, just because of the complete cut and thrust of the retail environment, it's just take, take, take all the time, and the bank just expects more and more, and people are saying, 'hang on a second, this isn't the employer I used to work for!'." (Nationalofficer1)

Respondents believed that PM was designed to induce a certain level of stress, keeping workers 'on their toes', cascading pressure down the organisation to drive performance. Despite national level recognition, workers were scared to join the union or challenge managerial treatment as individuals. A rep stressed that the majority of workers who *had* joined were those who had been at the sharp end of aggressive PM and Banco treated exit as a way to resolve discontent:

"[Banco] play on folks' insecurities. The ones that come to us, that've been through the process, that know what is happening, and they are fully aware of the fact that, under the current climate, the good times are no longer. [Banco] once was a great company to work for*…* but it *is* looking to cut costs… and folk don't realise all these changes are designed, not for your benefit but to make it easier to folk to be moved out the door… there is anger, but they're placated by the message that you're lucky to be in a job. Management's always been very good at telling people, 'if you don't like it, that's the way we do things and you're free to leave'. But now it's, 'you're free to leave, *but you're lucky to be in a job!'." (WR1)

One grievant explained her manager's attempt to downplay employment rights in response to a request for carers' leave (which was denied):

"After my partner's surgery, I said, 'how can that be part of your discretion if it's part of my legal rights'? She turned round and said to me, 'well, basically I'm hoping you don't know what you're rights are'. I thought to myself, so she's going to bully people, and discipline people because she's hoping you're not going to stand up and fight for it, you're just going to take it, and the majority of staff in here do just sit back and take it." (Underwriter).

Reps found that line-managers skipped steps of procedures, in contravention of not only of collectively-agreed policies but also Acas codes of practice, disguising the beginnings of formal processes so that workers did not realise they were being invited to a disciplinary

meeting. Managers either ignored policies and procedures that had been carefully negotiated:

 "It's the way it's being implemented. The managers just seem to read them completely wrong, or *don't read them…* [At one disciplinary] they just tag-teamed the guy. Like the note-taker was talking. They just had *no* regard for policy. And you just think well surely cases should just be thrown out in that respect, right away. They're not." (WR2)

A particular bone of contention was that despite the punitive culture, line-managers who repeatedly made mistakes in their handling of grievance and disciplinaries (i.e. not following policy and ruled against in appeals) were not reprimanded.

HR's remote presence was another source of antagonism- a 'faceless' shared-service provision. Devolution to line-management means that HR advise but always defer to 'business decisions'. Reps bemoaned the number of times managers' discretion was used to impose harsher disciplinary sanctions than HR proposed to be proportionate, so that managers were seen as 'tough' and intolerant of any form of underperformance. The sense was that HR, who were more likely to offer fair solutions in grievance and disciplinary situations were ignored. Furthermore, HR's distance from grievance-handling reduced trust in the procedure, where unbroken lines of authority handled subsequent stages of appeal, questioning the impartiality of the decision-making process: "It's a big club. They'll all stick together… They've got the policies and procedures that look fantastic, but do you know what, who gives a shit about them?" (WR2)

"All the managers that did my disciplinary, they all work for the same centre manager. All sit for lunchtime all together… I saw them all the night before my appeal- and the three of them were all out together, that was the first disciplinary manager, my second disciplinary manager and somebody that was in the meeting taking notes. It's like, where is the impartiality here?" (Financial Processor)

In spite of union recognition, Banco play-down the idea of opposing interests, drawing on unitarism in communications, and attempt to deal with staff directly as well as through the union:

"[the union is] here to make sure things are done correctly and make sure everyone is protected. But {Banco} get annoyed if people come to us for help, 'you could talk to *us* if

you have a problem'. How do management feel about us being here? They don't like the fact that we fight." (WR1)

A national officer described Banco as a "very sophisticated employer," who could be very persuasive in their communications. Workers tended to accept management's avowal that there is no alternative to the lean agenda of pay freezes, work intensification and aggressive PM:

"[Banco] is very, very good at spinning out a yarn… You keep getting told 'this is the best it can be', then why would you challenge it? Do you believe that your employer has systematically screwed you for however many years or do you believe your union that's standing up for your rights?" (SeniorRep1)

Bankcentre management disapproved of union activities that attested in any way to the separate interests of workers from those of management. Despite recognition of the union, there is a unitarist portrayal of dissent as deviance, as opposed to giving legitimacy to divergent interests. One example was the way in which HR employee-attitude surveys were treated:

"With the 'your feedback' survey, they said, 'you're perceived as being negative'! If things are 'okay', then say they're 'great.' Why? That's lying! 'No, but we need to show that we're a good centre, and when it comes down to it, you're negativity could be the thing that shuts this centre down'." (WR1)

When the union termed a successful campaign for improvements of safety in the car park, a 'win', management were upset by the language. "When we mention a 'campaign' or a 'win' as we did on the car-park issue, they have an aneurysm!" (Regional Organiser). Whilst the union relationship to senior management was seen as respectful, lower down the hierarchy this tended to fall-away. It is not clear whether line-managers were more opposed to unionism than their superiors or whether those superiors were misleading on their intent. The following section considers the expression of discontent. Firstly, union organisation is considered before detailed attention to grievance expression. This section is followed by the final part of the chapter that considers tensions that are not resolved via either collective negotiation or grievance expression.

8.6 The Union and its Members: Collective and Individual Contestation

With between only quarter and a third of the workforce in membership, nationally and locally, the union only wield moderate influence. The regional organiser summarised the situation:

"If you're 20 to 25 per cent organised, management will listen to you 20 to 25 per cent of the time. If you're 40 per cent organised, management will listen to you 40 per cent of the time. If you're 100 per cent organised, management will listen 100 per cent of the time. It's about industrial muscle."

Banco had distanced itself from default acceptance of the union in the last few years. Union reps previously had access to the induction of new starts and employment contracts mentioned union recognition, but Banco have ceased to do so, with HR commenting that they were "impartial" and therefore should not actively promote unionism. The regional organiser explained that management now gain more from the relationship than do workers, with the union essentially providing an illusion of procedural justice:

"They're not interested in an adult-to-adult relationship. They like the union being there when it suits them… for individual representation, where they are serving the companies interests… the involvement of representatives in disciplinary and grievance hearings means that there is less opportunity for [management] to be challenged on their outcomes. The union end up legitimising them as well as feeding back to the company their failings."

As tests of strength, recent pay negotiations have been disappointing for the union with freezes or below inflation rises, in addition to the devaluing of workers' shares and savings. Furthermore, due to the nature of performance-dependent rises, in 2012 around 28,000 workers out of a bargaining unit of 60,000 were not getting any pay rise, and taking a cut in real terms. Close to half of workers were deemed to be not 'exceeding expectations' and Banco's response- that they do not reward average, but only 'exceptional' performance- was met with anger and disbelief.

The main sources of discontent (relating to PM but also to union rights) have been pressed by the union at a national level but they have struggled to hold the authority of collective agreements with line-managers. At the behest of the union, Banco signed-up to a "new and improved" reps agreement in 2010, responding to complaints from reps that line-managers were resistant to, or simply ignorant to union rights and required education. PM has been on the agenda for over a decade. *There is* engagement by senior management on the issue but agreed policies and procedures are cyclically ignored or not adequately pressed upon line-management:

"Frustratingly, there are procedures in place which have been agreed between the bank and [union], but when you get down to local management, managers seem to think that these things don't exist, and that's where you are almost hitting your head against a brick wall." (NationalOfficer1)

"A frightening number of managers have either 'a', ignored it, or 'b', don't understand [collective agreements]. At the top of the bank, it's almost like everything is rosy, but as you come down to the individual areas, and individual management, and they say, 'this is what we are going to do'… That's when people start going down the route of individual grievances." (SeniorRep1)

Respondents felt that management preferred to fire-fight grievances than change policies, the expectation being that only a small proportion of employees would raise them. With a limited degree of power to hold the authority of collective agreements, grievance expression is resultantly a significant avenue of struggle for the workers in Bankcentre- the forum to complain when collectively agreed procedures are flouted, particularly in relation to the PM. Before turning to examining this, the chapter outlines the nature of the *workplace* union presence.

The Bankcentre branch held its first formal meeting in January 2013. A handful of key activists took workplace organisation from 1 rep and less than 10% density to 7 representatives and nearly 30% of the 800 strong workforce in the three years from 2010-2013. All branch positions are held by lay-reps, who get 20%[67] facility time to conduct union work. The branch has gone from something fairly underground and scattered into a legitimate entity. Due to the climate of insecurity, union organising is "not top secret, but it

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[67] As far as this does not interrupt business needs.

is difficult" (Learningrep) and activists are cautious in their publicity. People frequently joined online but kept their membership secret. Slowly, the visibility of key reps increased coordination, and meetings offered spaces for micro-mobilisation by sharing problems without having to phone an 'outside' union representative. Still, workplace reps felt exposed, saying they had "no friends left in [Bankcentre]" (WR2)- people did not want to be seen talking to them in case they were identified as having a work-related problem. The health and safety rep was surprised at the degree of discontent as well as fear she was alerted to when she became active in the branch because it is so hidden:

"They're not going to stand around and talk to you. People are feart of their management seeing them- 'what are they talking to her about, are they raising something?' So there's a kind of a fear factor in here. It's something that really opened my eyes- just sitting in next door listening to peoples' grievances, it's really opened my eyes"

Atop of the difficulty getting people to identify themselves as members, the branch disdained at a lack of activism: "We promote the strength, we let people know how we've grown, but as long as people hide behind closed doors and keep their membership quiet--"(WR1). Understandably, people are scared to do anything that might have their 'cards marked' within an organisation that has shed tens of thousands of jobs over the last five years. However, local management have softened their approach, at least openly, and in relation to some areas of union activity more than others:

"The culture before was, 'are you in the union?' [in a shocked tone]… you couldn't talk about the union. [the new centre-manager] does help us, he helps promote- especially my [learning] stuff, he really does encourage people. There might be a hidden agenda in there. He probably thinks he's working us, doesn't he? If we do good stuff, he'll take the credit for it." (Learningrep)

The branch present different faces at different points and to different audiences. An acceptable face is projected towards union-sceptics- non-members and management. A second, more guarded face, attesting to oppositional interests, is selectively shared among activists, used in 'educating' non-members and in the formulation of discontent. It may be glimpsed by management, particularly during individual case-work, but is mostly hidden from them. Presenting the acceptable face, involves activities such as union learning (and to

a lesser extent health and safety[68]) areas of worker interests that can fit within a unitarist conception of the workplace. Bankcentre management accepts and even encourages these activities meaning that workers have been less fearful of being involved with them. Learning and health and safety reps acted as friendly face of the branch whilst simultaneously being the eyes and ears of the workplace reps, making them aware of issues and problems. A workplace rep talked of her "nasty" role whilst noting that "management love [the learning rep]" (WR2). This is not to say learning and health and safety are not ends in themselves, but the branch are aware of their currency in recruiting and demonstrating union relevance as a form of 'gateway-activism':

"We find it works… Folk come to see [Learningrep] first, 'cause they see [her] *as the union*… If they come to us [workplace reps] right away, everybody knows they've got a problem, but if they come to [LR], folk think it's about learning. We get an email or they come up here, it gives people a wee bit of protection. It works well, having the learning rep." (WR1)

For their parts, the learning and health and safety reps felt more comfortable in positions that are less adversarial:

"The workplace rep isn't really my thing… I'm not really a confrontational type of person… I'm just in about all the nice stuff, and my face is on bits and pieces at first they maybe recognise me more than the other guys. People might want to approach the learning rep rather than the workplace rep." (Learningrep)

Educational courses were being offered in subjects such as Spanish, creative writing and photography. Other courses were more targeted at organising and inspiring workers to assert themselves at work. A planned course on employment rights had raised eyebrows and bookings for it were less than the branch hoped, the suspicion being that people did not want to be seen attending such a course by management.

 Since a disappointing showing with a bullying survey in 2012, the branch had not tried to solidly link PM with its health and safety ramifications. The branch were planning to reformulate the bullying campaign, but at present, workers' complaints of the impacts of PM are dealt with individually, through grievance and disciplinary procedures. Discipline

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[68] They are valence rather than positional issues (REF) management and workforce can quibble about the specific coverage and amount, but unlike control it can be openly discussed with the union are seen as legitimate discussants.

dominates the time of the workplace reps. "The nice part of job is when it's *not* discipline…
You do fear when someone comes to you with it" (WR1). Not only is this a stressful part of
reps' working week which they 'took home' with them, but it impacts their working-lives
too. WR1 had instituted twice-weekly lunchtime surgeries in order to protect his own
working-time:

"It economises with the work. Folk were turning up to the desk or I was getting called away-
right away, to calm them down basically… my work was beginning to be affected and I was
on the point of being on a disciplinary myself." (WR1).

Within a year of this comment WR1 was facing a disciplinary. The demands of his union
duties on top of his normal work had left him burnt-out. In meetings with his line-manager
he pleaded that if there were not so many disciplinary cases he would not be so liable to
minor errors in his own work. He, and others suspected that they suffered victimisation for
union activities but with so much data on workers' performance that could be used to
discipline, they had difficulty proving that sanctions were disproportionate:

"This year I've had two written warnings- it's great fun!.. I've never had any problems
before, but since I started as a union rep I keep getting picked up. Can't prove it though. It's
usually quality fails. The last one- the notes weren't saving on the system, I can't prove I'd
put them there, there was a fault with the system and I lost them, but the benefit of the
doubt wasn't given. They made sure it was tight and everything was there. I knew that
other folk had the same problem but didn't get disciplined for it… you've got a target on
your back!" (WR1)

8.7 Grievance Expressions and their Relation to the Workplace Regime

Grievances are a significant means of expressing discontent in Bankcentre. However, for a
number of reasons, the level of grievances was seen as an under-statement of the level of
discontent among workers and increasingly sharp perceptions of injustice. Whilst
nationally, the union encourages members to challenge management through grievances[69],

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[69] As discussed in chapter two and picked up again in the last chapter, appeals to disciplinary are treated as a
similar act to grievances. There may be a very fine line in distinguishing them in practice in relation to, for
example a worker challenging an appraisal rating where they may be pre-empting disciplinary proceedings that
may follow.

locally, reps had difficulty persuading workers to do so. Questioning management via grievances was seen as so disruptive that it tended to be a last resort rather than a proactive step to improve workers' situation. This section describes the nature of grievances raised, discernible patterns in grievance-filing and formulations, and the degree of trust in the procedure and management handling of grievances.

When asked to put into words the main issues that arise in grievances, union respondents reported that in various guises, PM, absence management and bullying were key: "That's the kind of issues we get… it comes down to the bullying culture" (WR1). During the period of data-collection, reps began to stress that the absence management aspect of PM was increasingly *dominating* the problems brought to them by members, their own experiences and the subject of grievances: "The main area of case work? Lack of reasonable adjustments whether it's someone who is sick, it's mental ill-health or family responsibilities" (WR2).

Grievances are largely pre-empted by disciplinary proceedings, and therefore defensive in nature, responding to *management-initiated* conflicts: "What you find, and it is, again you find a lot of people are raising grievances around performance issues… people are either faced with raising a grievance, before they get disciplined, or going straight to a disciplinary on it" (SeniorRep1). A number of grievants said that they had little choice between raising a grievance or exiting the organisation (either voluntarily or involuntarily). Reps described particular management practices as "generating" grievances, such as the use of a new monitoring tool which was viewed as a "tool to performance manage people out the door, to discipline as part of daily management" (WR1).

In estimating the volume of cases they deal with, representatives cited between one a day to two or three cases of disciplinaries a week, whilst worker-initiated *grievances* were much less frequent, more like 4 formal cases a year, with many more complaints arising that people were afraid to make formal. Two workplace reps in conversation discussed the make-up of cases, emphasising that because they may not see what was happening to non-members, they probably underestimated the actual volume:

WR3: "We've got such a small number of union members. A lot of disciplinaries go on, but because it's private and confidential you don't know, people just disappear. You'll come in one day and such and such has disappeared. 'Oh, I saw them getting walked out the

building'. There's a lot more in my area [contact-banking]. There's people going on disciplines every day. Really. Everyday!... but folk don't want to make waves."

WR1: "you tend to get them two or three at a time getting bussed out- one or two discipline cases a week. Probably averages one a week. For a building this size, that's still a lot. If we're seeing about a couple a week, and we're got 25% of the members then add another three or four on."

Most case-work, particularly opposing and appealing disciplinaries, emanates from contact-banking, where tasks are fairly simple and routinized, monitoring and targets are especially oppressive, and discipline particularly swift, but membership is low, as high turnover frustrates union organising. There are also discernible trends in the nature and volume of grievances that arise which give further indication of the underlying sources of antagonism- namely the pre-eminence of appealing discipline, associated with yearly cycles of performance reviews. 'Bullying' was an omnipresent issue, but grievances featuring it arose only at particular junctures, often associated with organisational change:

NationalOfficer1: "You see trends in the stats… At certain times of the year instances of bullying being higher and you'll also see within various divisions, if they're undergoing a restructure or something like that, you'll see more instances of that kind of behaviour. I mean, I think bullying is *always* there."

Senior Rep1: "it never goes away, it's always there."

Grievances also bunched around the annual reviews. Poor performance ratings would frequently come as a complete shock to individuals who were not aware that they were 'underperforming', or given an opportunity to rectify specific failings. Such junctures were 'tipping-points' in many cases- the 'last straw' for individuals who were already disgruntled by various issues. Raising a grievance was treated as a very serious act and not entered into lightly:

"People get to the end of their tether. If they are actually putting in a formal grievance in it just gets to the point where they think, 'I can't take any more'! There are just so many issues going on when they've got to a point of raising a grievance. So many people think it's too formal, 'going against my manager', and it's kind'a against everything that you've been taught and told you should do." (WR2)

An underwriter who was awaiting a grievance hearing explained the breadth of her complaint saying, "I've got six points in my grievance and I've got evidence to back up each one." Reps, seeing many cases, boiled down specific formulations into simple causes of 'bad management'. At times disciplinary situations were reworked into grievance expressions:

"We've had this girl, she's been swaying about a grievance. The basis is disciplining her for not coming in when her daughter attempted suicide. That's the headline thing, there's other things underneath- it's bad… She came back, because she's not long took [since] two weeks off to care for the girl… [Management] said, 'well, it's not really that serious, so you're getting disciplined'. Before she joined the union, so she took the discipline. Somebody told her to come and see us, but by that point it was too late. She's now taking a grievance against the manager because the manager gave her no support over the year… That's just the kind of grievances we get, bad management! Bad management-style, just the way they treat people." (WR1)

A contradiction emerged between the way people described their discontents and the language formally employed in grievances, as seen in the extensive phase and to some degree in Teleoffice, 'bullying' was a focal descriptor. One rep, noted how such formulations that resonate with workers may not necessarily be those that will 'stick':

"We lost [name]'s case and the appeal, even though they were moving the goal-posts all the way through it. She wanted to do bullying, but I've decided it's going to go a wee bit different. It's either going to be 'bullying', 'harassment', or 'incompetent management'. What they come out with in most bullying cases is, 'oh, it's perception, we can't do anything about it'." (WR1)

Though low, the number of grievances slowly rose following the economic crisis, with workers increasingly harbouring a sense of injustice. Where in the past workers might have let complaints lie, or not dwelt upon them, many respondents commented that in addition to growing discontent, there was a growing perception that the relative worth of a job with

Banco was no longer so precious. Workers under the PM spotlight perceived themselves to be a short step from dismissal, with little to lose by raising a grievance. A senior rep summarised how grievances had risen in the last few years across Banco as a whole and Bankcentre in particular:

"Five years ago people were willing to put up with more. 'Cause five years ago we had profit share, shares were worth something… [workers] were willing to go along with it all, because they were getting something back. The future's in doubt, and it comes down to the likes of unpaid overtime, being refused special leave requests and these sorts of things, that is attributable to lean and people are now more willing to challenge these things. That comfort factor's been removed. They've seen what's happened to their colleagues, how many jobs have gone. 'I don't owe the bank anything now, I'm more willing to challenge it more', that seems to be getting more prevalent now. As the recession bites and the bank continues to contract we will see more people going in to raise grievances about lean issues, or *issues being caused by lean*. Certainly issues around performance." (Seniorrep1)

Still, many refrained from beginning what is viewed as a tortuous process that would add to mounting stress, underlining that those who *do* raise grievances have done so without relish and after accumulating issues. Thus, discontent remained understated:

"Folk who did respond *did say* the bullying culture is there, there's no doubt about that, but it's actually getting folk to even fill in a form, its—they'll all moan about it. 'The company is wrong, it's this, it's that'. 'Do you want to raise a grievance?' 'No, I can't go through that'- understandably. 'Will you help us to fight it and help other folk?' 'No, but I want you to support me'." (WR1)

Making use of the grievance procedure may be a long drawn out and process, gambling on uncertain gains which reps felt they had little success in representing. For senior reps, and the national executive, there is a desire to see higher instances of grievance-filing to reflect problems they know are affecting members (and likely non-members):

"They will not challenge… we know that there are forced-distributions [of under-performers], but when you look at the comparative numbers of grievances that are raised, it's very, very low… that is exactly what the bank relies on. What [management] say to us is, 'well, look. You say that there is a massive issue with perceived forced-distribution, but you know what? Our grievance stats tell us otherwise'. We were quite shocked by the low level

of grievances, formal grievances that were raised of end of year… it's hiding the problem." (NationalOfficer1)

Effectively, members were seen to be doing themselves a disservice by sitting on potential grievances that would serve the dual purpose of improving individuals' situation and bolstering the collective-bargaining position, legitimising the collective agenda, as expressed in a 2012 article in the union magazine:

"Members may feel reluctant to raise a grievance and we would always encourage members to seek to resolve any issues informally in the first instance, but what is clear is that a significant number of those who did challenge their performance rating for the 2010 performance year were successful, particularly where they had been supported and represented by [the union]."

The national strategy is to question the whole PM framework, particularly that Banco's staff have a significant problem with 'under-performance'- raising grievances at the earliest juncture plays a part in that:

"Last year there were 6500 cases of under-performance, so that's about 10% of our bargaining unit… if I was [Banco] management, I'd be saying, 'My god! We've got ten per cent of our population with a performance problem!' The point is that when we do take members through the grievance process… we say to them very early on, 'don't wait until you actually get into those formal stages, raise the grievance ahead, let's have the grievance hearing. Let's not wait until that actually happens, or you're put onto that contract. Let's raise the grievance now, and exhaust that process'. 'Cause what the bank just merge the processes together if you've waited until you got your disciplinary." (NationalOfficer1)

However, a higher grievance would not likely *on its own* to translate into concessions from management to change what is an engrained culture around PM. Whilst Bankcentre reps did want to galvanise discontent and encourage less passivity among workers, they were also just coping with member demand for services in their workplace. Bankcentre reps were less optimistic than the executive about successful grievances. Attempts at informal resolution of workers' complaints usually failed, meaning fighting all the way through the grievance procedure. Reps always encourage informal resolution first, "but the ones we're

getting now can't be resolved informally. They've tried but the manager has just not listened or been reasonable" (WR1).

There was concern that line-managers went to extremes of either totally ignoring procedures, or following them slavishly so that there was a lack of common sense in application, or consideration of individual circumstances. Reps felt they were given cause to distrust some line-managers who were flippant about grievance-filing, suggesting that they were unlikely to be taken seriously. Senior-management even admitted to one rep that line-managers could improve at informal resolution:

"I had a meeting with the acting centre-head, I told him that often we have members who come to us, and they get told by their line-manager to raise a grievance. I said, 'why would your line-manager suggest that to a member of staff? They should first and foremost should try and settle issues informally'! He says, 'that's a bit of education needed. *Raise a grievance!*' as if it's not going anywhere anyway. These policies are just there for show. They're not there for anything else but show." (WR2)

HR are rarely involved in grievances, even at the appeal stage, meaning that managers hearing cases are often embroiled in grievants' authority structure meaning impartiality is questioned:

 WR2: it was a predetermined outcome… We wanted somebody from HR to have a look [at a grievance], to be totally impartial. I phoned up HR to ask them if they wanted a copy, they said no, it will just be dealt with in here, which I think is unfair. I think HR should know what is going on in here."

Ultimately, grievances are futile within a highly imbalanced relationship between management and workers. Bankcentre reps described that this imbalance was most skewed in contact-banking, where the tasks are simple, monitoring extreme and discipline swift:

"I'm not going to scratch the surface with the cases in [contact-banking], but there are a lot of performance management issues in there that are frightening. That's why there is high turnover." (WR1)

To summarise, the level of grievances formally-filed does not reflect the level of discontent among workers or the level the union nationally think proportionate to their members' disquiet. Nationally, the union wish to see more grievances, not only because they tend to be successful, but also to bolster their bargaining position by demonstrating the mood. Bankcentre reps are more circumspect. There are three inter-related reasons behind workers' muffled expression of discontent. Firstly, people are fearful of reprisals post-grievance. Secondly, people who are already under pressure are discouraged by the anticipated stress of the grievance process. Thirdly, the lack of trust that grievances will be successful discourages filing. The next section considers how the nature of formulations impact the struggle.

Part III

8.8 Unresolved Tensions

PM has been a priority on the national agenda for a number of years, yet it remains an on-going site of struggle. A daily battle for most workers, PM as a concept is difficult to dispute, as challenging its exigencies broaches managerial control of the labour process, going to the heart of the frontier of control. It is essentially 'off-limits' without a high level of collective organisation and militancy, not being viewed as a legitimate topic for debate- union attempts to make it so have to be carefully posed and cleverly worded[70]. By 2012, the union nationally were outlining their key agenda as securing 'dignity at work' and 'making [Banco] a better place to work'. Yet, the discourse of 'high-performance' is nearly beyond reproach. There appears an almost irresistible logic to the notion that organisations must very tightly scrutinize peoples' performance using all available means of monitoring, and that they should not delay in removing those who fail to make the grade. "It is very much the fine line" between acceptable and unacceptable instances of PM (SeniorRep1). The union can only feasibly address specific aspects of policies and their effects such as challenging the way individual workers are affected by performance ratings and end up

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[70] The nature of work has tended to be out-with unions' bargaining agendas (Bain and Taylor 2002, researching particularly in call centre and finance settings), left to managerial prerogative, whereas pay and some other benefits (that can provide a more amenable range for negotiation and settlement and hence transparency- see Hyman 1972) are the bread and butter of collectivised demands.

struggling to surpass the details of implementation and operation rather than the underlying principles of a policy or initiative. A national union officer commented that low density made it difficult to do more than "pick the bones out" of PM systems and practices, fire-fighting the issue.

There is difficulty proving that a bell-curve distribution of performance ratings is 'forced' upon a cadre of 'underperformers' threatened with managed-exit. Banco claims that the distribution of performance-ratings reflects a natural fall around a normal curve. Respondents could not be certain what level of the organisation the effects of PM are conceived. By, the nature of some of the examples of harsh discipline and arbitrary decision-making they had seen persuaded respondents that there had to be a high-level strategy. Referring to the disciplinary situation concerning the stapling of a document to a letter convinced a rep of strategic abuse WR2 commented: "that to me says you've got a different agenda. That says [that] you're going to manage them out the door and you want to do it as quickly as possible." A worker who went to the media similarly complained that Banco were removing a layer of people from the organisation that did not correspond to any objective issue with performance, "I've been doing this for a long time and I know how to do it. But I feel set up to fail." Union officers were convinced forced-distributions were used because of the lack of support offered to support or develop people and many instances where poor ratings came as a complete surprise at the annual review when there had been no warning signals up till then.

Whilst Banco have denied employing forced-distributions of performance ratings, the use of peer-group relativity in the evaluation of performance has been controversial and was only recently been played down in guidelines for managers. The union magazine noted that this practice brought into question "the integrity of the whole performance management procedure" as there need not be an objective measure of under-performance. The union challenged Banco to explain why, if forced distributions are not enacted, lower grades *are* consistently more likely to be identified as underperformers. The union has warned members of the danger of being marked as an underperformer in terms of being at risk of redundancy selection as well as discipline and dismissal. However, Bankcentre is not at risk of closure or mass redundancies in the near future. However, insecurity is not based on the threat of redundancy as much as managed-exits through performance or attendance procedures. The PM framework gives Banco considerable flexibility in its wage-bill through

either withholding pay rises or divesting itself of a proportion of staff quickly. The unions concern is that circumventing redundancy further erodes the terms and conditions of workers- terrifying those still in employment toward 'hyper-performance' (coming in whilst sick, presenteeism, neglecting home life etc.), and quickening as well as cheapening the exit of others into unemployment. Banco has "rejected the union's claim that… this procedure is merely a cheap way to reduce headcount without paying redundancy" (union magazine, 2009).

The union have attempted to augment national level discussions with the promotion of grievance-filing, in order to demonstrate staff discontent on the issues they know are affecting their membership. At present, within a climate of fear, it tends to be only those who have little to lose (e.g. facing disciplinary sanctions, dismissal or burnout) who raise grievances, rather than proactive attempt to improve their situation, forwarding the frontier of control between management and workers, and collective mobilisation appears yet more unlikely. Workers feel bullied, but by the nature of this complaint, they expect little to be done about it. Underlying what was meant by 'bullying' in respondents accounts were narratives of harsh treatment, being flatly refused reasonable requests and powerlessness to do anything about it, all reportedly attenuated by the increasingly austere environment of Banco:

"The dignity at work thing, or bullying, or being refused time off with a sick child or whatever- they're raising the claim because their manager has said they cannot take the time to take so and so to hospital or whatever… the manager doesn't have the resources, because the resources are being taken away from them, and it is as with all these things, you dig down and there's always another cause behind it… A member of staff has been declined flexible working, she can't take her breaks now, despite the fact she's got a disability. And why's that? Because they no longer has the resources to be able to do it." (SeniorRep1)

Grievances naming 'bullying' as a formal category were infrequent and the numbers replying to a survey put out by the Bankcentre branch on the topic were disappointing.

Reps had expected their articulation of bullying in the survey[71] would chime with workers and display their disquiet:

WR1: "the bullying culture in here *is* the way you are managed. It *is* the culture in here. It's management by fear, management by dehumanisation, management by— just aggressive management. That's the only way I can describe it."

LearningRep: "you see how harassed they are and stuff at work. You see it every single day, and sometimes you just need to give people the opportunity to get it off their chest. But then you only get 20 or 30 [survey] responses."

The term therefore appeared to resonate in the abstract- workers frequently described their situation as involving 'bullying'- but it may be off-putting to attach to oneself, implying the victimhood or weakness of the bullied rather than the behaviour of bullies or the character of managerial regimes. Respondents felt that many workers accepted the abuse of managerial prerogative as irrefutable:

"The way that perceptions are, the way [management] investigate, the way they pose questions, we're always fighting a losing battle because you're never going to perceive bullying. You're going to see it as just management tools… It's very hard to prove bullying, that's our problem… it comes down to each individual and their perception of being bullied." (WR1)

One rep spoke of her advice to members, responding to managements' micro-monitoring in kind by seeking written confirmation in emails of what had been said by managers so that unreasonable demands might be documented.

The branch were developing a new questionnaire and campaign to more effectively tap-into (as well as de-stigmatise) mental ill-health, strain, stress, depression, anxiety- all the things that they saw daily and were expecting people would come out in the last 'bullying' survey. There is a vicious cycle where fear of reprisals is seen to be "hiding the issues" with workers putting up with a great deal in silence (NationalOfficer1), supressing the expression of grievances and the assertion of rights that could assist in building campaigns to improve conditions. The fear of doing anything to attract attention to oneself and resultant non-

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[71] This was created from a union template with a couple of simple questions about the experience of bullying or witnessing others being bullied.

expression of discontent leaves workers exposed to swift discipline. Thus, aggressive PM is both the cause of discontent and its silencer:

"There's so many things they can fail you on, there's so many things they can get you on that you just want to go in and do your job. You don't actually concentrate on the other things that they're doing to you. How you're not getting your pay rise, how your pension is getting cut, how your conditions are getting less and less all the time, how you're expected to do the work of two people, how by doing more work that way your quality is going down and then you get hit with a quality fail. It's all a vicious circle and folk don't seem to realise." (WR1)

Whilst reps pointed to various laws (e.g. the employer's 'duty of care' with respect to bullying and harassment) that made management tread carefully, the union have increasingly espoused the message that the law cannot be relied upon and they had to be more proactive. The national sectoral officer felt that individual rights had tended to become emphasised rather than collective opinion and natural justice, adding the need for them to be more "unionate." The regional organiser commented, "We need Leverage, we need to use industrial muscle. Legal protections never were great- we haven't and never should rely on legalism." As part of this strategy, activists exploited wider (in)justice frames to mobilise and galvanise discontent.

A clear class discourse was drawn upon by any respondents. The media is replete with images of 'bad bankers' as pantomime-like figures of hate. Nowhere would the crisis and ensuing recession seem more palpable in day-to-day experience than in Bankcentre, where 'ordinary' bank workers are paying for the crisis to a much greater degree than senior executives. In wider society there are discourses of increasing opposition to the nature of the banking system and its practices. News articles often subtly underline the class-status of senior executives, as with Banco's CEO, referred to as a multimillionaire, who enjoys the (upper-class) pursuits of hunting, shooting and skiing, juxtaposed with the heavy job losses and increasing hardship for rank-and-file workers (media source 2009). Whilst, the resonance of the frame is heightened in context of public interest in high pay of bad bankers, Bankcentre workers wish to clearly demarcate themselves to be from senior executives: "[We]'ll get no sympathy, 'Cause we're bank workers. We're bank workers on low pay, getting screwed over like everybody else" (WR1). The union have attempted to dispel a "range of myths relating to the pay of workers in this sector," highlighting job

insecurity as well as low pay (union flyer). The union is promoting the idea of a 'maximum Wage' (above which senior executives should not be paid) to limit spiralling pay packages and the justification propagated that without freedom to pay the 'going-rate' banks will lose talent to competitors. Senior officials have given submissions to a treasury select committee on this issue.

A related injustice frame was drawn upon by the union centrally and Bankcentre activists that centres criticism of the nature of contemporary capitalism more broadly. Links were made between Banco's irresponsible financial behaviours and employment practices, particularly PM and the experience of work and day-to-day problems experienced by workers. Campaigns focused on the desire of workers to work for "successful and responsible organisations" (union leaflet), and warned that Banco had learned little from the financial crisis. Target-driven labour processes that promote the "danger of repeating the mistakes of the past," "encouraging risky behaviour" as a means to driving the share-price up (Nationalofficer1). The nature of targets in Banckcentre caused workers stress as well as failing to take account of whether customers were eligible for the financial products being pushed. This was echoed by national officers towards shareholders, to whom the union stressed their alliance with, in addition to customers with regard to employment practices:

 "Staff are under extreme stress from the threat of disciplinary action for failing to meet short-term sales targets. The bank is creating a culture where excessive risk becomes acceptable. Senior management must commit to a joint approach with [the union] to reduce stress and to eradicate the bonus culture that brought about the likes of PPI[72] mis-selling." (NationalOfficer1)

In Bankcentre, whilst these frames resonated with workers, the present level of insecurity based on the threat of swift discipline and dismissal has dampened their will to act, ensuring these frames remained in parallel to rather than defining the causes and solutions to their discontents. Fresh scandals and news stories that broke stoked workers' anger, but has not inspired collective action. Whether an upswing in the economic cycle will change the way workers respond is unclear but Banco are unlikely to radically pull-back on PM. The union's power is ultimately circumscribed by the two-thirds of staff *not in membership* and

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[72] Payment protection insurance.

the unlikelihood of collective action. The intense scrutiny placed on organisation's in the financial sector post-crisis, in addition to heightened job insecurity adds to the oppressive feel of PM. In this "most capitalist of industries" (regional organiser), this bundle of problems are readily discerned as collective issues, but their effects can be highly personal. For senior reps and officials in particular there was a feeling that members needed to be shown to connect the dots between their individual experiences and the bigger picture (here with respect to the 'lean' agenda, tied in with PM as part of management austerity drives) in how they formulated their discontent, raising grievances about narrow aspects of burgeoning problems:

National Officer1: "The people that are left behind are now beginning to [realise]. It's been a slow thing though. Do I think that we are going to get a raft of grievances about lean[73]? No. I don't"

SeniorRep1: "there'll probably be more caused by lean, but not about lean. People are--"

National Officer1: "people are not identifying it."

SeniorRep1: "that's it. 'I'm having to stay back now till six o'clock every night cause I can't get out. I'm having to do that, I'm not getting paid for it. I'll raise my grievance about that'. Rather than saying, 'what's actually causing that in the first place?'"

8.9 Conclusion

This chapter has explored how grievance expressions relate to a workplace regime in which the frontier of control is advanced far in managements' favour. In Bankcentre, grievance expression leads (weak) collective agreements rather than vice versa, demonstrating the breadth of feeling on issues rather than testing and extending solid collective gains set down between management and the workforce. The quality of working life in Bankcentre is poor, and intolerable for many who struggle with punitive PM. Work is intense and has intensified following recession. Pay levels have stagnated and insecurity is rife, not so much

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[73] Some union respondents would talk about PM and 'lean' interchangeably to mean aggressive, inforgiving management and the intensification of work.

from the threat of redundancy but the threat of 'managed-exit'. The level of pay and the setting of targets that are virtually unobtainable has been incredibly galling to workers who feel they displayed loyalty to Banco during a difficult economic period. Combined with ever closer monitoring to the point of threatening dignity and the continued use of practices that encourage risky lending practices, Bankcentre workers feel completely demoralised. Discontent has grown over the lack of flexibility in resourcing and the inability to obtain leave, whether this is for holidays of for more immovable reasons such as caring for dependents or specialist medical appointments. For all this, contestation is remarkably slight.

Grievance expression is an important avenue for articulating discontent for workers who feel that bargaining has delivered little for them in recent years. Whilst Banco recognise the union, they display a mixture of substitution tactics and outright hostility towards them. The Bankcentre branch operate in a cloak and dagger fashion, with reps suspecting victimisation and workers in general being fearful of being seen to be active in the union. Indeed, nationally the union encourage members to raise grievances in order to demonstrate the breadth of feeling on issues, particularly PM. However, grievances are not all that frequent and are heavily over-shadowed by discipline. Categories of grievances raised tend to feature microcosmic aspects of the PM framework as the 'last straw' of a cluster of discontents. Due to the level of fear amongst workers, grievances tend to be the last resort for people with little to lose (i.e. who are at risk of losing their jobs or being forced to resign), centring upon conditions or acts by management that are considered not only unfair but intolerable. For those workers in membership, branch reps have a considerable impact on the formulation of grievances, with workers coming to them when they have problems. The Bankcentre branch have been keen to stress the character or management as 'bullying' and 'harsh' in their grievance activities and wider campaigning, which readily resonates with workers experiences.

The union branch at Bankcentre had made considerable gains in organising the workplace, but still have only around a third of workers in membership. They have not been able to institute a relationship in which informal resolution occurs for either grievances or disciplinary cases. Rather, line-management are seen to dole-out the harshest sanctions at their disposal, themselves under pressure to squeeze those below them. All of this means that grievance resolution is minimal either through individual or collective means. PM

remains a burgeoning collective problem that results in multifarious problems and discontents for workers. Given the furore surrounding the reform of banking and the crisis it might seem that workers (facing worsening conditions and offered clear injustice frames) would be leaping to join the union and take concerted action, but thus far, this impetus has been far outweighed by fear of falling victim to a punitive culture which is still very much in operation. Here, grievances tend to be about bullying, but more often are stated as defensive actions appealing discipline.

Chapter 9:

Cross-Case Analysis and Discussion

Part I

9.1 Introduction

The present chapter reviews the findings of the thesis in relation to the core research questions. Part one goes through the overarching research question and four sub-questions. Part two provides broader critical reflection upon central themes, concepts and theories raised in the literature reviews and methodology. Firstly, the reader is briefly reminded of the research problematic.

The thesis began with the premise that the employment relationship is one of structured antagonism (Edwards 1986), in which a level of discontent and conflict are inherent. However, the forms and formulations in which discontent are given expression are highly contingent. Expressions of conflict at work have been reorganised over the last thirty to forty years, shifting from formally organised collective expressions towards individual means, with more informal means of resistance and misbehaviour subtly evolving in response to the changing nature of work and managerial demands. However to date, there has been insufficient demonstration as to the extent to which declining collective disputes and rising individual disputes can be thought to reflect the same causes, namely the suppression of the capacity of workers to mobilise collectively (Kelly 1998). Grievances were identified as a particular area of empirical and theoretical paucity in this picture. We lack longitudinal data regarding the 'causes' of grievances and the extent of their expression, consideration of their organisation within the workplace, or their relations to other forms of conflict. Yet grievances offer a window into workplace relations, as an everyday means of expressing discontent that sit next to and among the rarer instances of strikes and tribunal claims, both of which are the source of academic and policy controversy.

Policy discourses surrounding the 'problem' of rising individual disputes has focused on the assumed growing litigiousness of workers (c.f. Gibbons 2007, Beecroft 2012), which the

recent imposition of fees to bring tribunal claims and withdrawal of a number of individual employment rights has sought to curb. These reforms have treated the regulation of collective relations at work and the decline of collectivism as practically irrelevant to individual disputes, despite evidence that unionised workplaces are better at resolving individual disputes internally and have lower rates of tribunal applications (Dix et al 2009, Dickens and Hall 2003). In relation to more wide-ranging academic debates, we find arguments of increasing societal individualism (Brown 1990, Bassett and Cave 1993), sometimes blended with unitarist perspectives of increasingly harmonious workplace relations akin to some kind of enlightenment in which workers and their managements have put aside their differences, assisted by sophisticated HRM strategies and practices. Whilst the notion of the harmonious workplace may be an attractive proposition, there is little evidence to support either increasing societal individualism or that workers are more contented, or unified with managements (Kelly 1998).

An argument holding more weight is that a combination of factors (none of which relate to changing societal values or interests in the employment relationship) have led to a displacement of the means of expressing conflict (Gall and Hebdon 2008). Firstly and most basically, trade unions as the organised expression of discontent have declined due to a combination of structural factors, capitalised upon by Neo-Liberal governments and managements who have withdrawn from post-war pluralism and collective-bargaining. The counter-mobilisation of labour (Kelly 1998) and de-collectivisation of employment relations (Smith and Morton 1993) have led to a fragmentation of conflict. The suppression of one means of articulating conflict merely re-directs it towards others (Hyman 1972). However, the notion of method displacement, with rising individual disputes reflecting 'collective issues writ small' (Bacon and Storey 1996) is rather vague and demonstration has been imprecise.

The problematic is, as Dix et al (2009) have argued, that different forms of expressions appear so different in nature and effect that they cannot be considered within the same framework: strikes and bargaining demands have traditionally concerned pay *rises* whereas tribunal claims are concerned with disputing unpaid wages and dismissals, with grievances most often related to management bullying. Individual disputes tend toward defensive or retrospective retribution for perceived injustices rather than proactive improvements[74].

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[74] That said, pay 'increases' are often demanded to match rising costs of living.

Emphasising the weaknesses of the tribunal system relative to resolution (particularly based in collectivism) within the workplace is important. However, in order to better decipher shifting expressions of discontent, an encompassing framework capable of translating different formulations is precisely what is needed. Tribunal claims may not alter the frontier of control in the workplace[75], but there is a compelling argument that the rise of applications has been driven by the decline of workplace collectivism, and that applications express the same antagonisms that might lead to collective forms of action under different conditions. However, the fragmentation of collective expressions will not translate into as many, identical individual fragments, as different means of expression have their own particular idioms that shape formulations of discontent. In order to comprehend this, we must break down expressions into more basic analytical units (a common denominator) to trace how conflict has been reconfigured.

Kelly's (1998) 'rethinking' of industrial relations (IR) rightly lamented its institutionalist bias, pressing the need to consider social processes of interest definition involved in expressions of conflict as opposed to merely counting and describing their appearance. Kelly's concern is with collective action and inaction, suggesting that declining strikes do not signal declining collective interests. However, whilst the framework can usefully be extended to other means of expressing conflict, few studies have taken up Kelly's propositions to consider processes of formulation in trajectories of conflict expression other than formal collective action. Furthermore, whilst successive policy reviews have championed the resolution of conflict *within* the workplace in order to reduce tribunal applications, little is known of grievance expression and handling, and how different workplace arrangements impact capacity to resolve conflict internally.

Useful work has been done on the formulation of discontent in strike situations, involving processes of aggregation, wherein variegated interests are redefined in order to be expressed collectively (Hyman 1972, Offe and Wiesenthal 1985). Yet such processes are less well appreciated in the formulation of individual disputes, which tend to be given a 'misplaced concreteness' (Fortado 1992), as if their stated causes relate to isolated discrete incidents, cut-off from the relations in which they are embedded. There are a handful of studies that have looked at grievance formulation as a complex social process. Here,

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[75] Although the existence of employment rights which they mean to enforce are intended to influence the balance of power between parties in the employment relationship. Furthermore, case law continually updates this rights framework.

categories of dispute have been found to depend on the medium of expression as well as the precise sources of discontent expressed through them (Salipante and Aram 1984). The same objective conditions (as sources of antagonism) may give rise to different forms of conflict, which in turn further shapes the formulation of expressions. Institutional avenues of expression act like prisms, narrowing accumulative discontents into neat formulations through processes of "selective articulation" (Hyman 1989: 112), with particular acceptable formulations for different types (i.e. collective claims, tribunals, grievances). From this vantage, changing *formulations* of discontent accompanying 'method displacement' become explicable, and the idea of the equivalence of different individual and collective dispute formulations, as differing means to similar ends (Edwards 1986), becomes a possibility to explore. Therefore, the evolution of formulations of discontent can reflect changing *forms* in which conflict is expressed as much as changes in the objective nature of work and concomitant sources of antagonism.

Understanding the eventual formulations of dispute trajectories involves attending to the concrete discontents to which they refer, prior to their being shaped by the avenue of their expression and tracing that process. There is a need to appreciate the changing nature of work as a lens through which to view the formulation of grievance expressions from underlying discontents, in particular, how to make sense of the increasing resonance of 'bullying' as a grievance formulation. Bullying has recently drawn the attention of IR scholars who question whether the term is simply a new name for an old problem (Lee 2000), a tool of managerial control that is endemic to capitalism (Ironside and Siefert 2003, Hoel and Beale 2006). Chapter three suggested that the increasing resonance of 'bullying' may reflect primarily the ascendance of managerial prerogative and disempowerment of workers, and only secondarily, permutations of changing forms of work and employment. Contemporary work involves an altered blend of control and consent (Geary 2003), in which rising skill levels accompany intensification, insecurity, and detailed performance management- in short, more *demanding* work (Green 2006). However, little research has examined the extent to which the experience of bullying gives rise to grievance expressions of this type. Research is beginning to show that reports of bullying show an association with organisational restructuring and uncertainty, which have featured particularly in the public sector along with increasing exposure to the market and welfare state retrenchment (Zapf et al 2003). Yet, we know little about the workplace contexts and relations of power in

which it arises and under what circumstances it is contested, in grievances or alternative forms of dispute.

9.2 Research Questions

The alignment of these gaps highlighted the need for research that considers the nature of grievances being raised in the workplace, questioning how they are formulated, if this varies with degrees of worker organisation, and the extent to which 'method displacement' is apparent in grievances. The overarching research question posed was:

How do grievance expressions and their processes of formulation vary in different workplace regimes?

This question was posed in order to dig deeper into the supposed phenomenon of method displacement accompanying the de-collectivisation of employment relations, examining whether this was evident in relation to grievance expressions and how the workplace context might impact upon this.

This overarching concern can be re- articulated as four sub-questions:

1. *What are the main sources of discontent in the contemporary workplace and to what extent are they articulated in grievance expressions?*

2. *When they arise, how and why do grievances come to be formulated into particular categories of expression?*

3. *Under what circumstances does discontent come to be expressed in grievances rather than other, alternative trajectories of expression?*

4. *How do contextual factors (i.e. workplace relations, the nature of managerial regimes, of collective worker organisation and the frontier of control between them) impact the trajectory and formulation of discontent?*

The aim of the research was to examine how discontent is organised in different workplace regimes, using grievance expressions and the processes of their formulation as a lens with which to view the interrelations of collective and individual articulation of conflict. The research was designed around two phases. A preliminary phase examined grievances arising across multiple workplaces, and an intensive phase used comparative workplace case-studies in which grievances could be more fully contextualised in relation to their workplace settings, varying in the degree of collective organisation and relatedly, the position of the frontier of control between management and workers. The following addresses each research question in turn, firstly outlining a summative answer to the overriding question and then expanding upon the sub-questions in detail.

9.3 Summary of Findings

How do grievance expressions and their processes of formulation vary in different workplace regimes?

The thesis centred upon grievance expressions but found them to be a rarity in the three workplace case-studies, despite widespread antagonism ('grievance' in the broader sense) and a much greater prevalence of individual disputes fomented by managerially-initiated conflict via discipline. Where grievances were raised they tended to express niche and narrow aspects of surrounding antagonisms; what became interesting were the discontents that surrounded those grievances, their continuity with the collective experience of work and why discontents remained unexpressed. The preliminary phase of the research documented the types of problems workers brought to an employment rights centre (ERC), where grievances arising in workplace relations were the stock and trade of the organisation. The ERC data allowed detailed analysis of the substance of grievances, the circumstances which led to particular formulations, including glimpses of the workplace regimes, forms of work and the quality of the jobs in question. These findings refined the theoretical basis for the selection of comparative workplace case-studies which could more fully address the overarching question, and latter two sub-questions.

ERC

Workers came to ERC with multifarious particularistic problems (the refusal of a flexible working request, the safety of working practices, unpaid overtime or owed holiday pay). However, there was a striking commonality in their summation of their experience as 'bullying' by their employers, a term respondents volunteered to describe the underlying source of antagonism in their situations and their sense of powerlessness to prosecute their grievances in the workplace. Their discontents were formulated and given shape by representatives at ERC, an external actor who assisted workers in pursuing various different dispute trajectories. Often by the time they came to ERC, the grievance route had been exhausted or bypassed. ERC would then re-formulate issues for either collective campaign or, more commonly using the threat or enforcement of a tribunal claim as leverage, with the different idioms these different routes of expression would imply ('unionate' or general injustice frames, and legalism respectively).

In terms of variations in the workplace regimes from which these disputes emanated, there was a contrast for those higher-skilled and professional workers working for large 'reputable' organisations, and low-skill labour in micro-firms in terms of both the sources of antagonism and the nature of grievance formulations expressed. The latter type of worker tended to be beset by clusters of problems at work, but wished only to dispute some narrow element of it which they believed to be winnable (like the waitress who had a host of complaints but "just want[ed her] holiday pay"). Higher status workers in sophisticated organisations tended to be discontented by some aspect of their work or management which was more tractable, and thus they had more chance of resolving this via a grievance. This offered glimpses of the power dynamics operating in these workplace regimes that shaped the nature of grievance expressions.

Workplace Case-Studies

The comparative case-studies were designed to display variation in workplace regimes from a high level of worker organisation towards a 'hollow shell' (Millward et al 2000: 179) presence. In each of the comparative workplaces, the central sources of antagonism and

the extent of their expression were used as a lens through which to examine the organisation of conflict and related power dynamics. The variable status and authority of collective agreements emerged as key in defining different configurations of grievance expressions. In Goodrich's (1920) *Frontier of Control,* he treated union-management collective agreements as markers of the degrees of control workers exercised in a workplace- this frontier was here found to be important in shaping the character of grievance expressions in a setting[76]. In the workplaces studied, there was a clear relationship between the degree of collective organisation, what was achieved in collective agreements, and the nature and frequency of grievance expressions. This is briefly summarised for each case, providing a short answer to the overarching research sub-question before considering the four sub-questions across cases.

Shipyard

At Shipyard, the bulk of discontents are aggregated, collective agreements once struck are highly authoritative and grievances are extremely rare. Grievances that *are* filed relate to discrete aspects of discontent, and in general have the effect of testing and extending collective agreements. A recent agreement on workforce mobility across work-sites was used to illustrate this relationship, with occasional grievances coming over whether workers were getting a 'fair shot' at seconded assignments and the wage-premiums attached. This reflected a 'sharing of the spoils' of previous bargaining rounds among workers rather than an individual attempt to change the system. Stewards, who leave most of the collective negotiations to conveners, reported having an 'easy life' and found great success in handling members' complaints and those of management (*via* discipline) informally. Grievances generally concerned 'trifling' matters, which was contrasted to substantive issues such as 'bullying'[77], which would not be tolerated by the workforce, and did not manifest in the character of managerial control. This is not to say there is not discontent; in all settings there are 'occupational hazards'- aspects of work that are sources of antagonism.

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[76] It is recognised that much control may be exerted at the point of production in informal ways, but as a general rule, it is likely that increasing worker control would come to be more formally instituted.
[77] By respondents with an eye to other workplaces such as former convener who was now a regional organiser.

At Shipyard, discontent is managed collectively, leaving a limited role for grievances. Grumbles and gripes on the ground are passed up the chain of the union structure, formulated, aggregated and hashed out at mass meetings. Grievances that do arise push forward what is already a fairly extensive degree of workers' control, with the unions having protected the autonomy of trades and preserved the apprenticeship system, exercising "occupational closure" in order to retain power (Weber 1922/1978). Workers generally felt unmolested by line-management on a day-to-day basis, and discipline was regarded as permissive. You have 'nine lives' in this regime, and health and safety were prioritised over the pace of production. This picture of Shipyard accords with that of grievances under collective-bargaining as portrayed in well-organised workplaces of the 1960s and 1970s with grievances used to supplement collective expressions, featuring minor fencing and skirmishing (c.f. Lens 1948, Dubin 1958, Kennedy 1977).

A few caveats should be noted to this benign representation. Firstly, Shipyard is in a period of insecurity regarding its future which would likely dampen workers' will to 'stick their head above the parapet' by raising a grievance (although, respondents did not feel this was a significant factor explaining the configuration of grievance expressions). Second, the unions' institutional position means that union reps may act to discourage formal grievances, something respondents acknowledged, but could be expected to underplay. Third, aggregation of workers' discontents might be a simpler task than in settings with greater diversity of work and workers, with Shipyard being rather unique in the ease of mechanical solidarity. As Hyman (1998) argues, whilst constructing solidarity has always been a monumental task, deviation from the mean (of the male, manual worker in manufacturing) has increased, meaning that aggregating interests is less automatic. Shipyard is a large workplace, where many workers are doing similar work, grouped by strong occupational identities. Still, none of these complicating features of the situation alter the assessment that collective aggregation and independent representation are key in driving the particular pattern and formulations of grievances, allowing for the informal resolution of potential grievances, with those arising being more tractable. The other case-studies allowed for variation in these central mechanisms.

Teleoffice

In Teleoffice, collective agreements have been fairly robust in terms of establishing and maintaining a baseline of fairness and providing a framework for negotiation, but organisation is less dense than the effective closed-shop of Shipyard. Work is relatively secure and well paid, but this, and the repatriation of work from India has come at the cost of conceding work intensification and extensification, bound by increasingly tight performance management (PM). Grievances are a fairly common means of expressing discontent relative to Shipyard, and tend to concern holding management to the letter of collectively agreed policies and procedures in relation to PM (as supportive rather than punitive). However, grievances in the strict sense of *worker-initiated* complaints are far overshadowed by the volume of disciplinary cases where reps help workers curb the worst excesses of punitive PM. The union branch report dealing with one or two grievance cases a month, but one or two disciplinaries *a day*. As at Shipyard, reps try to avoid formal grievances, resolving matters informally where possible, as formal processes can be drawn-out and stressful for grievants, without a guarantee of success. Perversely, grievances often focus upon being put under undue pressure meaning that the additional stress of formally challenging management is an unwelcome expenditure. Furthermore, whilst reps report that they are able to resolve most grievances informally, this is rarely the case when disciplinary procedures have been activated.

In part, the relatively steady flow of grievances is relatable to the way in which collective organisation is sufficient that workers have a degree of trust that their complaints will be considered and given fair hearing. However, there was considerable 'fall-out' from collective agreements which have not resolved key sources of antagonism and have spilled into multifarious problems for individuals. The sprawling issue of performance management (PM)- the main source of antagonism- was used to illuminate this. The limited success of successive collective campaigns on PM owes to the fact that this is a contest at the very frontier of control between workers and management. PM has been on the union's agenda in some shape or form since around 1999. The regime was seen as having a 'bullying' character, but grievances tended to centre more narrow aspects of management, particularly defensive actions against performance and absence monitoring. There was a tension between those in the union that wished to encourage grievance-filing in order to demonstrate the breadth of discontent and the commonality of experiences reflecting

collective issues, and those who were already overwhelmed by case-work[78]. Teleoffice reps generally advised against grievance as an effective route involving 'going it alone' in taking a stance against management, and where workers insisted on raising them, reps steered them towards focusing on the most tractable and benign aspects of their discontents so as to manage their expectations of remedy and limit the length of time it would take to proceed through the grievance procedure.

Bankcentre

Bankcentre sees a lower level of grievance expression than Teleoffice, but higher than Shipyard, with respondents reporting three or four formal grievances in the last year. As in Teleoffice, grievances initiated by workers are far overshadowed by management-initiated conflict manifested as disciplinary PM, with reps reporting responding to two or three potential disciplinary issues *a day.* Collective agreements on issues such as PM are not given authority by dense organisation or union militancy and thus grievances cannot function to build on them and push further into the frontier of control. Yet, grievances are encouraged by the union centrally to bolster the bargaining agenda and make the case for new policies and procedures, particularly to restrain 'tough' management. However, Bankcentre workers are very afraid of the consequences of raising grievances, and those raised tend to be closely intertwined with disciplinary issues, pre-empting the commencement of a formal disciplinary process. As at Teleoffice, the nature of work and particularly PM are *the* central issues dominating discontent. Post-crisis, 'Banco' significantly stepped-up what was already a punishing regime. The union is in a much weaker position nationally and locally than Teleunion, and has not been able to prevent severe job losses and cost-cutting measures. Given the level of job, and more general employment insecurity; many workers are too afraid to identify themselves as grievants or even involve themselves in union activities. Raising a grievance was viewed as a highly contentious act for people with 'no future in the organisation' (Teague and Doherty 2013). It is thus understandable that people tended only to raise grievances when they had exhausted other possibilities and were likely either to be fired or quit if the issues were not resolved.

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[78] This tends to reflect the line between rank-and-file and lay-reps on the one hand and the union bureaucracy on the other (see Hyman 1975, 1989, Darlington 2009).

That grievances are rare in workplaces with high and low levels of collective organisation, and slightly more prevalent in a workplace in the middle accords with the findings of WERS 1998 and 2004 surveys indicating that workplaces in which there is a union presence tend to have more grievances, but fewer ET applications (Dickens and Hall 2003, Dix et al 2009). The present study illuminates how any 'displacement' from collective to individual disputes is uneven, with strongly organised contexts faring better at resolving disputes 'in-house' and thus not being part of the 'problem' identified by policy discourses regarding the supposed epidemic of individual disputes (culminating in tribunal claims). That the collectivisation of discontent makes grievances more manageable seems obvious, but policy discourses have treated collective and individual dispute resolution as practically unconnected. At the other end of the spectrum, in hollow shell contexts, workers are too fearful of reprisals to raise grievances. In order to more precisely demonstrate the interrelations and the equivalence of individual expressions of collective problems, each case-study considered in detail how different expressions of the same issues were formulated, emphasising their interrelations. The main antagonisms in each setting were used as a lens through which to examine individual and collective expressions and their referents. The following explores the research sub-questions in greater depth to flesh out these dynamics.

9.3.1Research Question 1:

What are the main sources of discontent in the workplace and to what extent are they articulated in grievance expressions?

In any workplace, there are numerous sources of discontent of the everyday variety, which are for the most part accepted or negotiated by workers. Forms of work and workplaces have their own particular 'occupational hazards'- unavoidable features of the work or employment situation for which no one is blamed, and there is no sense of injustice over them (c.f. Kelly 1998). This related for example, to difficult customers in Teleoffice and Bankcentre and the early starts in the cold and dark in Shipyard. Workers do not generally complain of these in any formal way, rather these are negotiated at the point of production, or mitigated in some way by positive features. Respondents spoke of aspects of their working lives they found arduous but considered either trivial or balanced by other

benefits or gains- part of the effort-reward bargain (Baldamus 1961). However, sometimes certain trials become too much to bear and individually or collectively, workers enter dispute with their employers. There was generally a cumulative effect whereby some particular aspect came to galvanise a trajectory of grievance or collective action.

In terms of the main sources of antagonism, Shipyard was peculiar in that control and aggressive discipline were *not* significant issues. Whatever problems they have (e.g. the threat of job losses, the gradual erosion of craft demarcations, increasing geographic mobility), day-to-day management control is not a major source of resentment. The nature of the unions' institutional centrality meant that *they,* rather than management, 'kept discipline' as well as policing collective agreements that hold management to their promises. This would seem preferable for workers than the aggressive PM perpetrated by management in Teleoffice and Bankcentre. Shipyard workers *are* concerned about their future but have a degree of certainty that change, including potential job losses, will be openly negotiated. The most recent 'big fight' in Shipyard had focused on a mobility agreement which workers initially resisted, but after careful negotiation appeared fairly contented with and the handful of grievances that followed from it concerned ensuring individuals were getting a fair slice of the new pie.

Respondents in Teleoffice, Bankcentre and many ERC clients referred to 'bullying' by management, particularly in relation to PM as *the* central source of antagonism. The term, volunteered by respondents, was near ubiquitous as a summation of the general character of management as well as specific incidents as means to the end of either driving performance, attendance or enforcing managerial decisions more generally. 'Bullying' chimed with a sense of powerlessness in the face of managerial prerogative and the exercise of discipline, especially for those on 'PIP's (performance-improvement-plans) and 'actions contracts' who were the prime candidates to feel bullied. That 'bullying' did not present itself in Shipyard could feasibly be related to the masculine culture of this predominantly male-workplace. However, Shipyard respondents understood what it could mean as a tool of managerial control. Rather than seeing falling victim to it as a weakness or challenge to masculinity, one rep recalled that over the years, once or twice a "gaffer" had engaged in 'bullying' but that the union made it clear, in no uncertain terms that such treatment would not be tolerated. Furthermore, the problems encapsulated by the term

elsewhere such as excessive pressure or unreasonable demands were not in evidence to any degree because of both the degree of control and autonomy workers exert, and the likelihood that excessive line-management would lead to some form of collective action. At Teleoffice and Bankcentre, the nature of work (and information-communication technologies utilised as part of it) allow for a level of monitoring not available to Shipyard management. The development of a 'pseudo-science' of PM (Taylor 2013) with forced distributions of ratings, puts a proportion of workers at risk of being managed-out of the organisation, placing the workforce under constant pressure.

The data thus illustrate a number of uses to which 'bullying' was put (Hutchinson 2012) but a depressing dearth of contestation of the issue itself- grievances lodged featured much narrower aspects of the situation. Even at Teleoffice, Bankcentre and among ERC clients, bullying was very rarely the named category of grievances, but more often the stated cause was some much more discrete aspect of the working situation- a refused holiday request, not being given sufficient training required to do one's job or an appraisal score- reflecting one instance of what it meant to feel bullied. Bullying also resonated with workers who felt that they had little genuine voice at work, something which they frequently discovered when they attempted to resolve a discontent informally, with some reporting that they felt bullied within dispute resolution processes and during grievance hearings where their claims were dismissed and they felt powerless. Both workers and reps linked bullying to the control imperative and profit motive inherent in the employment relationship. There were a number of ways in which bullying could thus be viewed as a management tool as Ironside and Siefert (2003), and Hoel and Beale (2006) have suggested, used not only to drive performance, but also to quash grievances that might effect change in the workplace or lead to a protracted dispute, both of which may be potentially costly to the employer. Such accounts emerged from simply asking workers to describe the jobs and workplaces in which a problem arose, and how they went about attempting to raise a grievance, as one ERC client put it:

"The company were just bullies. That's the best way I can describe them. They just used all their muscle to trample you down... I keep saying 'bullying tactics', I can't think of any other way to describe it."

Thus, whilst the discontents surrounding a grievance expression tended to be broad ('bullying' tends to be associated with repeated incidents c.f. Einarsen et al 2003), the actual focus of grievance expressions were much narrower elements of antagonism.

9.3.2 Research Question 2:

How and why do grievances come to be formulated into particular categories of expression?

If the precise formulations of grievances are often contingent, how are they given shape? In addition to facing slightly different objective antagonisms, workers in this study had differential access to representative agents who acted as managers of discontent, articulating particular subjective evaluations and attributions of blame: ERC provides independent advice and assistance in formulating the grievances of workers who do not have access to workplace union representation. The workplace case-studies varied in terms of union organisation, the nature of managerial regimes, and the resultant position of the frontier of control as well as the particular framework of collective agreements and policies associated with them. All of these impacted the trajectories of grievance formulation and resultant expressions.

There were however strong similarities in the *underlying* sources of discontent- most centrally, control and its abuse by management (and associated indignity. C.f. Karlsson 2012) among ERC respondents, Bankcentre, and Teleoffice- that is, in the contexts where worker control was more limited. However, what were shared discontents (in the abstract) were often expressed in fragmentary, niche grievances. As managers of discontent, unions and other representative actors (such as ERC) act to formulate their constituents' grievances in the most fortuitous way, depending upon the opportunity structure and resonance of particular frames.

Formulation at ERC

The ERC data illustrated the complexity of formulation processes involved in creating grievance expressions, selectively articulating multifarious problems and 'vague hostilities' (Hyman 1972: 176), usually into one or two categories of dispute which might have legal merit. In part, formulations depend on the medium through which discontent is expressed (be it a grievance, collective bargaining or a tribunal claim), and acceptable 'vocabularies of motive' (Mills 1940) for disputing which are appropriate for it. In terms of articulating the issues, expressions can be more or less partial and thus more of less adequate representations of reality (Hyman 1972: 125), and may utilise abstract, collective formulations or narrower, personalised ones. Hyman, talks of levels of rationality in expressions of conflict and variation in "the extent to which grievances are consciously appraised in relation to their structural origins, and the extent to which strategies are orientated towards the alteration of underlying causes as well as immediate causes" (1989: 100). He argues that "collective strategies provide greater scope than individual ones for significant influence on the underlying sources of discontent" (*ibid*). ERC staff, as union organisations, appreciated and attempted both strategies in representing workers' discontents (i.e. in individual and collective formulations) but ERC were constrained in what they could achieve as an external actor, with limited reach into the workplace.

At one level, ERC's key function is to formulate workers' discontents into individual grievance expressions. Workers frequently spoke of the importance to them of ERC's re-working of their narratives into effective formulations that would make their employers take note, demonstrating awareness of relevant employment rights, or translating problems into 'justiceable claims' (Genn 1999), presented in the legalese required in tribunal applications. Such formulations tended to allow only partial contestation of clustered problems, whereby only limited aspects of workers' discontent with their work and employment find their way into expressions, leaving adjacent or latent issues unaddressed. Simultaneously, clients' problems were viewed in relation to underlying collective sources of antagonism, employing *The Sociological Imagination* (Mills 1959) in viewing packs of personal troubles as public issues. Acting as agents of their clients, ERC

could be considered as 'unionate' (Blackburn 1967, Blackburn and Prandy 1965) in "acting for non-union workers the way a trade union would" (ERC manager). In recognition of this, ERC attempt to create collective campaigns and pressure employers by 'naming and shaming' in the media to exert a form of pressure. This involves formulating workers discontents and demands in a way that abstracts them from individual peculiarities so that worker/clients remain anonymous whilst attempting to resolve the underlying sources of their grievances. The tendency would be for *either* individual *or* collective formulations of workers' discontents to be presented to employers, rather than both at the same time as this would leave individuals (who must make themselves apparent in grievance) open to victimisation for their part in collective claims. It was normally the form in which conflict would be expressed rather than the formulation that was fixed first. Clients were very accepting of ERC's expertise and the definitions they advised in grievance formulation, whether that was stating a grievance in a formal letter or choosing legal jurisdictions to include in an ET claim, or the pertinent elements of discontent and abuse to highlight in collective campaigns in order to resolve individual situations.

Formulation processes in workplace case studies.

At Shipyard, when problems arise, workers "think union" (Batstone 1988: 243). Dense union organisation means that the discussion of discontents and problems that arose was framed within a collective situation of work, and then discussed in an informal way between stewards or more rarely conveners and line managers or HR. The formulation of discontent is highly referential to authoritative collective agreements and an agenda set by workers and their representatives. Policies and procedures are less dominated by managerial definitions of rights, entitlements and 'fairness'.

At Teleoffice, grievances were very closely intertwined with discipline, focusing on specific instances of PM and absence management, defending against a managerial offensive and the prescient threat of discipline and managed exit. Bargaining is often dominated by semantic (though not unimportant) wrangles about the spirit and intension of collective

agreements, particularly on the issue of PM, and this reflects a struggle at the very frontier of control. At Bankcentre, the issues were similar, but with management more assertive and union organisation more dispersed, the struggle was more defensive in nature and the grievance agenda more dominated by management. Thus, it can be seen that where management is the more dominant actor, they also have a greater role in formulating grievance expressions- not only in representing a source of antagonism, but in driving the acceptable vocabulary in which any complaints can be legitimately dressed.

In this struggle, reps at Teleoffice and Bankcentre tended to feel that 'bullying', whilst highly resonant with workers, was not an effective formulation that was likely to address either the workers' immediate concerns or the underlying power relations via a single grievance. Simultaneously, 'bullying' has thus far failed to galvanise collective mobilisation. The Bankcentre union branch had been caught by surprise at the low response to a bullying survey and the union at Teleoffice had preferred other less emotive terms in their collective campaigns around the central issues of performance management and discipline. Thus, whilst remaining *the* meta-descriptor of various discontents, 'bullying' was rarely formally contested in its entirety.

9.3.3 Research Question 3:

Under what circumstances does discontent come to be expressed in grievances rather than other, alternative trajectories of expression?

Research question three was posed with the supposition, that at least in some of the (less organised) settings, there would be many grievances raised by separate individuals, reflecting *displaced* collective disputes. The picture that emerged was considerably more complex. Discontent was understated in all workplaces, and grievances were generally rare (although considerably more so at Shipyard than the other two cases). A lid was kept on top of expressions of conflict most of the time. Furthermore, even when discontent was expressed, because conflict tends to be cumulative, the stated causes were more singular than the surrounding situation. Grievances dealt in narrow aspects of more fundamental

conflicts. Where there is a high level of negotiation between management and workers, as seen in Shipyard, this is less problematic for workers- there is not the need to deal with everything-and-the-kitchen-sink within one individual's grievance. However, where accumulating discontents are not addressed, a grievance, which by nature can only express niche concerns, is not an appropriate avenue of expression. In the two contact centres in particular, workers perceive grievances as an arduous process for uncertain gains. In Bankcentre, workers felt that raising a grievance was so likely to invite victimisation (under the auspices of 'managed-exit' on capability or conduct grounds) that it had to be an absolute last resort, usually pre-empting disciplinary scenarios that might lead to dismissal. Yet, at Bankcentre (and to a lesser degree Teleoffice), the union centrally encouraged raising grievances to try to achieve what is not currently being achieved through collective means- a task that seems fruitless without greater membership numbers, as Banco management attempt to tip-toe away from union recognition, gradually withdrawing pre-existing rights such as union access to new start inductions for member recruitment purposes.

More generally, reps attempted to avoid grievances in their advice to members. In Shipyard and Teleoffice, the nature of the relationships between union reps and local management meant that many discontents and problems that arose for individuals or groups of workers could be sorted out with a 'quick phone call' or a 'quiet word'. At Bankcentre, because of the union's more limited sway with management, this type of informal resolution was rarely an option and reps would begin considering formulating complaints in formal terms early on, preparing themselves to fight for grievances all the way along a formal procedure (a process similar to the experience of ERC reps and their clients in non-union workplaces). Furthermore, dense organisation and a high level of formality in collective voice mechanisms (witnessed at both Shipyard and Teleoffice) were not necessarily accompanied by reciprocal informality in the handling of potential grievances. At Teleoffice, the informal resolution afforded for potential grievances was contrasted by disciplinary situations where matters tended to become highly formalised quickly with no recourse to settle matters informally. This imbalance is reflected in the finding of the most recent WERS survey that the steps of disciplinary procedures are more studiously held to than those of grievance procedures (Forth 2013), suggesting that discipline and dismissal are conducted formally

and according to statutory codes of conduct (perhaps as an anti-litigation device) whereas with grievances, managements provide minimal chances for a fair hearing[79].

More rarely did union reps successfully avoid grievances by redirecting a potential grievance towards a collective trajectory of expression. Part of unions' effectiveness in representing workers' interests rests upon finding effective (usually collective) formulations that aggregate discontent, a 'vocabulary' (Mills 1940) that is acceptable to management as a subject for negotiation whilst encompassing workers' interests and resonating with their experiences. Within the case-studies there were varying degrees of success in the formulation of collective discontents with implications for what is left to address within grievance expressions. In order to be expressed collectively, workers interests must be redefined (Offe and Wiesenthal 1980, 1985). Which aspect is chosen to articulate in conflict expressions in order to make the overriding situation more tolerable to workers is somewhat arbitrary. The price of labour most often becomes the symbolic unifier because it provides a range conducive to settlement (Hyman 1972), whereas point of production issues have traditionally been more difficult to aggregate and negotiate;firstly because relative to pay, there are more varied circumstances to subsume across a bargaining unit and more fundamentally because only unions in a powerful position are able to demand a greater share of control (Goodrich 1920). Taylor and Bain (2001) note unions often fail to include the latter type of issues in their bargaining agendas and leave such issues entirely to managerial prerogative. In the present study such issues *had* become, particularly in relation to PM key items on the bargaining agenda, albeit they had been there for well over a decade without much movement.

Teleunion's attacks on PM in various guises saw numerous re-workings of the central issues going back to the late 1990s. Because the central antagonism, as in Bankcentre, involves permutations of the theme of managerial control of the labour process in relatively unskilled work, the union has struggled to make headway, despite continual debate around innovative ways of demonstrating the ills of the present regime of PM. The discourses of 'dignity at work' and protection from 'bullying' management are probably the clearest

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[79] Van Wanrooy et al (2013: 158-9) suggest that the reason why grievance procedures are not followed lies with the failings of employees. However, an alternative perspective might stress that managements (ideally in concert with worker representatives) should *ensure* that steps are followed, for example by making all employees certain of the procedure and so on.

examples. However, there has been limited success in defining and redefining what it is about the nature of PM that is so problematic.

At Bankcentre, the union are yet more desperate to find ways to delegitimise the 'new managerial offensive' (c.f. Taylor 2013). However, collective agreements made with senior management have lacked teeth. Line-managers flout them, leaving reps fire-fighting workers' run-ins with aggressive PM, pre-empting and defending against disciplinary scenarios. What is not or cannot be achieved in collective-bargaining will tend to be manifested in grievances where this avenue of expression is free from reprisal. However in many workplaces, workers are too afraid of being victimised, or conversely that little will be achieved. Such discontents go unresolved, not because the union is unaware of them, of their extent or entirety, nor indeed is management unaware, but because these sources are as profitable to management as they are egregious to workers, relating to the volume and pace of work and the character of management rule. In Teleoffice and Bankcentre, struggles over PM and 'bullying' management go to the heart of the frontier of control, as a threat to managerial prerogative.

Relatedly, a final note should be made that a further *alternative trajectory* of expressing the discontents of the workers studied would be informal means of resistance, misbehaviour and general negotiation of the effort bargain at the point of production. Doubtless, this was going on, but at Teleoffice and Bankcentre, precisely because managerial control of performance and attendance was so tight, there was limited scope for workers to ameliorate their situations through the appropriation of time, product, work or identity (Ackroyd and Thompson 1999). Shipyard workers had considerably more room for manoeuvre as well as robust avenues for expression- a level of misbehaviour was indulged by management and thus was simultaneously more available to workers, and less vital to their daily negotiation of work-effort and the maintenance of dignity.

9.3.4 Research Question 4:

How do contextual factors (i.e. workplace relations, the nature of managerial regimes, of collective worker organisation and the frontier of control between them) impact the trajectory and formulation of discontent?

Ultimately, power dynamics and the position of the frontier of control in the workplace were reflected in the way in which grievances are expressed (or not) and their particular formulations. Early in the research, a picture emerged from the ERC data of how grievance expressions varied across the workplace regimes in which clients had experienced problems. The ERC data could only explore grievances arising from unorganised workplaces. Nevertheless, the way in which differences were observed at the top and bottom of the labour market suggested that workers' collective control in workplaces (as greater degrees of individual power), should lead to different patterns of grievance expression in a similar fashion. In circumstances in which workers have greater control, there is less call for individuals to raise grievances, and where grievances are raised, for them to be of a more discrete nature-relating to tractable elements of felt injustices. Furthermore, there also tended to be a relative expectation effect in relation to power, with those at the bottom of the labour market tending only to wish to raise the most basic, 'breadline' grievances among broader injustices, such as the waitress who had faced a year of abuse and multifarious problems, but was resigned only to pursue her holiday pay.

The expectation arose that grievance expressions would vary in relation to different workplace regimes, with stronger workplace organisation generally leading to different patterns of grievance expression than weakly organised settings. In highly organised settings, there will be a degree of aggregation of discontent such that certain elements are selectively articulated in collective claims and disputes (Hyman 1972), leaving narrower issues to be expressed in grievances, testing and extending and minor skirmishes at the frontier of control. 'Bullying', an apparent meta-descriptor of numerous injuries, would likely be a more prevalent formulation in contexts and times where managements were seen to be abusing their power, and workers, experiencing a range of accumulating frustrations face intransigence from their employers and powerlessness to change the situation, (i.e. where collectivism does not underpin the informal resolution of the sharper edges of discontent in the workplace and thus a baseline of fairness).

At Shipyard, workers have considerable power, a status which is enhanced by the 'high-road' approach taken by the employer which emphasises a high-skill, quality and health and

safety over managerial control, quantity and the pace of work. Workers have achieved a baseline of fairness, meaning that those few grievances that do arise are of a discrete rather than broad nature, and tend largely towards lateral as opposed to vertical comparisons of equality, i.e. across the workforce as opposed to through the rungs of the hierarchy, as the latter are the subject of detailed negotiations. Teleoffice has a high density but passive membership. Workers have a high level of employment security, but at a cost. The commitment to avoid compulsory redundancies and to repatriate work from India has come at the cost of work intensification and extensification, technological changes that have increased managerial control of the labour process and facilitated aggressive monitoring and discipline. Whilst this is a considerable source of antagonism, and discontent is widespread, grievances are few, and tend to be a last resort of those pre-empting disciplinary action and managed-exit. As security is based upon the commitment to avoiding compulsory *redundancies,* workers still feel the need to avoid sticking your head 'above the parapet' because managed-exits (ostensibly on performance grounds) are so commonplace. The situation at Bankcentre is similar but the union is weaker nationally and locally, insecurity is rife, with Banco having made huge swathes of workers redundant, and grievance is only really a last ditch attempt to protect self for individuals likely to be managed out of the organisation. Neither union organisation have been powerful enough to hold the authority of collective agreements on the central issues, nor to articulate grievances in their full formulations, but rather find themselves forced to present very limited versions which management may hear and resolve.

Part II

9.4 Conceptual and Theoretical Implications

In this thesis, grievance as one understudied means of expressing discontent has been examined in different workplace regimes. It was shown how the collective organisation of the workplace and the status of the collective agreement were important in regulating the nature and patterns of grievance expression, and the extent to which formulations were adequate expressions of discontent that underlies them. It became clear that the 'problem' of individual disputes is not present in all types of workplace to the same degree, underlining the need for a stronger distinction between the kinds of workplace as opposed

to merely *individual predilections* (for raising 'weak and vexatious' claims) which have led to an apparently overburdened tribunal system.

A key concept put forward early in the thesis was that of "method displacement." Gall and Hebdon (2008) argue that as workplace collectivism has been suppressed, we have witnessed a displacement in the means of conflict expression. As collective means of expressing and resolving conflict are denied, it has been diverted into alternative means, most visibly, tribunal claims, but also as demonstrated in evolving forms of resistance and misbehaviour in response to new forms of work organisation and managerial demands. Grievances in the workplace had largely been unexplored. However, it was proposed in the literature chapters that any such displacement of means of expression would need to be accompanied by a displacement of the formulations presented, as different avenues have their own idioms of expression (particularly highly institutionalised avenues such as grievance procedures, bargaining machinery and the tribunal system), and these must be read with a careful eye to understand the reconfiguration of the way discontent in expressed over four decades. However, grievances were found to be few and far between in most workplaces, albeit more so in both highly, and lowly organised workplaces. Rather, what was most evident, was a shift in the discourse around the antagonisms of work, particularly towards 'bullying' which was largely unexpressed in conflict, and remains more as a malaise than an effective grievance formulation or collective campaign.

Whilst an overview of the industrial relations terrain suggests that disputes have been displaced from the collective to the individual arena of tribunals, in this study, there was little evidence of displacement into grievance expressions in the workplace, but rather a good deal of unexpressed antagonism. Furthermore, even where grievances were raised that reflected collective concerns, the underlying collective issues were not expressed into individualised formats. The idea of individualised expressions encapsulating 'collective issues writ small' (Bacon and Storey 1996) is partly right, but the type of demand made in grievances is not simply individualised, as one of a number of the same complaint, but also reflects the degree of power of workers in a setting (Goodrich 1920), and is expressed as a more meagre demand. Large scale wage claims- that remain the key 'causes' of collective stoppages- do not simply translate to a similar number of individual complaints over the same issue, but rather refract into reformulated struggles, often of a more defensive, particularistic nature. Dix et al (2009) are right to question whether individual disputes can

be thought of within the same analytical framework as strikes, or as tactical extensions of other forms of workplace regulation (c.f. Batstone et al 1977). They point out that claims made in individual disputes via the tribunal system, even when successful, are hollow victories and do not act to change or maintain the frontier of control in the workplace.

However, appropriately conceived, an encompassing framework, capable of relating different forms of conflict expression to one another, helps to trace how expressions of conflict have been reconfigured, examining the degree to which they are differing means to *similar* ends (c.f. Edwards 1986: 9). This involves examining the nature of discontent expressed in addition to the form in which it is expressed, considering how the same underlying issues can be partially presented in different formulations. The argument for greater "connectivity" between IR and labour process analysis (LPA) in understanding the mobilisation of discontent into formalised action (Thompson and Newsome 2004) has been strengthened here by demonstrating how the intermingling of discontent arising within the labour process becomes shaped and given formulation within institutional avenues of dispute and how this differs in collective and individual dispute trajectories.

The study attended to the nature of work and the experience of the labour process in order to make sense of the significance of 'bullying' as a catch-all descriptor, a "new signifier of distress that has acted as a solar collector of resentments" (McCarthy and Mayhew 2004: xv), and the extent to which it is contested by workers. Respondents used the term to refer to dissatisfaction with their general experience of work and management (McCarthy 2003); rather than merely individualised acts, it related to the experience of "oppressive workplace regimes" (Hoel and Beale 2006). The finding that these particular aspects of work (amalgamated under 'bullying') were sources of discontent chimes with trends in the nature of work and job quality, with workers being under increased pressure, working harder, being more closely monitored and with disciplinary sanctions becoming increasingly focused on performance issues (van Wanrooy et al 2013: 159).

That this cluster of antagonisms around bullying, PM and discipline were largely unexpressed reflects a practical disconnect between experience at the point of production and formalised collective agendas for bargaining purposes for a number of reasons including, the institutional, bureaucratic apparatus of trade unions, which can often be too far removed from the interests of the rank-and-file member, the non-participation and apathy of the rank-and-file themselves to feed their concerns to their representatives, and

simply the lack of the power to make such demands for greater worker control and autonomy. Is the answer then more organising, more militancy, more of the same trade union agenda as Kelly (1998) implies? The answer suggested here is that it is important that there is some reformulation of the agenda, to resonate with important permutations in the evolving nature of work and political economy that surrounds it.

Kelly's (1998) mobilisation theory (MT) led some of the way toward an analytical model to explain the circumstances in which conflict (not merely collective forms) are mobilised. It suggests that conflict is largely dormant, and what displacement there has been massively underrepresents the level of discontent and antagonism in the workplace. As Felstiner et al (1980-81: 631) suggest, perspectives concerned with studying the emergence and transformation of disputes "may lead to the judgement that *too little* conflict surfaces in our society, that *too few* wrongs are perceived, pursued and remedied." The present study did precisely that with respect to grievance expressions, but more than this, it demonstrated the importance of the changing discourses around workers' discontent that are necessary to a fuller understanding of conflict and its expression. Here, MT benefits from greater attendance to the nature of conflict and sources of antagonism at a concrete level, rather than a merely abstract notion of workers' interests as not being exploited. In particular, the suppression of conflict expression can be seen by examining how antagonisms arising in the daily experience of work come out in muted formulations. Extending MT's scope towards grievance formulation may bolster its broader propositions about patterns of action and inaction over time in particular contexts. Returning to the themes of connectivity and change and continuity in the nature of work and employment relations it can be argued that Kelly' counter-mobilisation is better understood by appreciating the nature of discontent that goes largely unexpressed.

In terms of our limited understanding of grievances, the available evidence of categories being raised in the workplace has suggested that bullying by management is key among them (van Wanrooy et al 2013: 153), and has been rising over the 1990s and 2000s. However, the findings presented here show that it is a much wider problem than it appears from lodged grievances. It might be that management respondents to WERS summarise the sources of grievances as 'bullying' referring to the underlying nature of the complaint in the same way that workers did in this study. WERS 2011 reports that taken together, unfair treatment by management (39%) and bullying (23%) account for 62% of grievance causes

(*ibid*: 153). What is unclear from such evidence is how distinctive these two categories are in practice. The data presented here suggest that the dividing line is slim, with people summating unfair treatment by management as bullying. It might be that the turning point might be the breadth of unfairness, or its repetition. Fundamentally, the prevalence of 'bullying' was seen to reflect the near complete sense of powerlessness felt by workers trying to raise and resolve grievances in the workplace. ERC clients in particular felt compelled to threaten, and sometimes to proceed to tribunals in order to receive a fair hearing. Managerial prerogative was seen as immoveable and grievances could not possibly hope to challenge and address the underlying collective issues, but only its immediate and personal manifestations. Within the workplace, grievance expressions tended to raise only very narrow formulations of the problems afflicting them- that which they might hope to realistically affect- where what is expressed in grievances is only of many unresolved, on-going sources of antagonism. Without viable channels for voice, underpinned by independent collective organisation, grievances tended to become tribunal applications, as the only realistic means of leverage.

9.5 Practical Implications

This study has built on the literatures on conflict, the nature of work and workplace bullying by strengthening conceptual links with IR and LPA by illuminating how 'bullying' manifests in different workplace regimes and how, whilst it is highly resonant with formulations of discontent, it is rarely the formulation expressed in grievances. Pertinent questions were raised as to whether the rise of 'bullying' as a descriptor of discontent reflects objective changes in the balance of power between workers and management, the changing nature of work or, a more subjective evolution of discourses of acceptable behaviour in the workplace (Lee 2000). The answer put forward here is that whilst all of these effects combine, the ascendancy of managerial prerogative is primary. 'Bullying' has come to resonate in workplaces where workers are increasingly disempowered, combined with developments in the nature of work associated with aggressive performance management and the availability of detailed monitoring. The clearest trends in the nature of work are that whilst work is in general more skilled and better paid, it has been notably intensified.

As seen in Shipyard, an inseparable combination of collective organisation and the protection of occupational closure around trades have prevented 'bullying' through punitive PM, involving excessive pressure or unrealistic targets from emerging as characteristic of the managerial regime. In Teleoffice and Bankcentre, this was far more pronounced, used to summarise problems that cannot hope to be resolved within grievances (even if given a fair hearing), they are too big, too deep, too systematic. Where used as a managerial tool, 'bullying' is too big an issue to take on via grievances, although these do arise where individuals have reached breaking point, but unions attempts to attack it collectively have had limited success as they are effectively negotiating directly about the frontier of control in circumstances where they do not have the power to demand greater autonomy.

Where they have some basis in worker collectivism, grievances can act to maintain and even extend the frontier of control in small ways, testing and building upon collective agreements. Most commonly this is expressed in a defensive manner through pre-empting disciplinary sanctions, as where they check the worst excesses of PM, such as overly harsh performance-ratings or sick-absence records. However, where workers have little power, unions are absent or 'hollow shells', grievances do little to check managerial prerogative and tend not to provide satisfactory resolution, as accumulative discontents are squeezed into them. Whilst there was nearly always a stated issue that was the straw that broke the metaphorical camel's back, 'bullying' by management was central to discontents leading to grievances in most cases (across the extensive data, and in Teleoffice and Bankcentre-although in Shipyard grievances as noted were extraordinarily rare).

Fevre et al (2012) have commented that unions do not prevent 'unreasonable treatment' (which they prefer to the term 'bullying'). They give the impression that unions make little difference to the nature of workplace regimes. Elsewhere they have argued that it is central to secure management buy-in to 'dignity at work' policies to reduce the incidence of troubled workplaces (Fevre et al 2011). However, this assumes that managements are interested in preventing management bullying, ignoring that it may profit them (Ironside and Siefert 2003, Hoel and Beale 2006). Rather, managements need a push, and that is only likely to come through independent worker organisations. Fevre *et al*'s conclusions regarding the impact of varying degrees of worker organisation are incredibly glib, and do not consider varying degrees of organisation, strength or character. As seen here, 'bullying'

is a considerable problem in some unionised workplaces and not others. However, the particular struggle over PM, which emerged strongly in Teleoffice and Bankcentre, and is likely to be familiar to those working in most sectors in some shape or form, has become particularly difficult to challenge as it goes to the very heart of the frontier of control, questioning managerial prerogative. Still, independent unionism remains the only way to safeguard fair treatment for workers, including the exercise of legislative rights. It was the conclusion of Bankcentre reps, the least powerfully organised setting, that management would much rather fire-fight many grievances than resolve discontent collectively in one swoop in ways that might feed workers' power and advance the frontier of control in their favour. As a TGWU official cited in Williams (1997: 506) commented: "Negotiation [is] just not capable of resolving all the issues- employers don't want it to." These findings suggest that for trade unions, there is a general need for better formulated campaigns that mobilise workers around the cluster of antagonisms that are clearly widespread and deeply seated. It may be that 'bullying' could be more strongly linked to the routine practices of management and an inherent feature of capitalism as an organising principle.

The final chapter draws out the implications of these findings more fully, considering the potential practical and policy implications of the findings for various actors. The limits of the claims made within this thesis are reflected upon, before looking towards the future research agenda that needs to be addressed.

Chapter 10:

Conclusion

10.1 Introduction

The "mirror images" (Dix et al 2009) of declining collective and rising individual disputes suggest that a process of method displacement (Gall and Hebdon 2008) has occurred in the means of expressing discontent, over a period spanning four decades. However, attempts to trace this redirection have lacked precision. Appreciating what is raised in individual disputes as 'collective issues writ small' (Bacon and Storey 1996) involves translating discontent expressed in different ways into equivalent terms, and this in turn involves looking at grievances in a different way, focusing upon their embeddedness in ongoing workplace relations and looking beyond their stated categories. The key contribution made in this thesis is the reconceptualization of the notion of 'grievances', from reified things, in which the cause is self-evident from their categories, towards a fluid and contingent expression of conflict, that is shaped significantly by the workplace power relations in which it is embedded. Grievance expressions are a window into workplace relations, and this thesis attempted to use them as a lens to examine the organisation of conflict, showing how formulations of discontent change as it is expressed through different mediums, and in relation to varying degrees of collective organisation.

Empirically, two main aims were identified- to examine the nature of grievance expressions arising in workplaces and the processes of their formulation. The theoretical task was to consider how and why the nature of grievances and patterns of expression varied.

The purpose of this study was not to ask whether there was discontent in a workplace (some degree of antagonism is inherent to the employment relationship) but to consider its specific sources and expressions, with grievances as the focus. The literature review and preliminary analysis of the extensive data suggested that the 'problem' of individual disputes was an outcome of the suppression of collectivism (Smith and Morton 1993, Kelly 1998). Accounts of strongly organised workplaces in characteristic of the 1940s through to the 1970s paint a contrasting picture of the role of grievances in the workplace and the sources of antagonism expressed through them (Barkin 1943, Dubin 1958, Kuhn 1961,

Kennedy 1977). Unions aggregated discontent and made collective agreements that extended or maintained the frontier of control. This created a body of industrial legality to which grievance expressions referred to in order to test and extend collective agreements. There is a consensus among most scholars of IR that de-collectivisation has led to a reordering of conflict expression (Edwards 1992), but just how far declining union power and weakening collective agreements has bled out into alternative expressions of the antagonisms of work has defied conceptualisation and demonstration.

The notion of "method displacement" (Gall and Hebdon 2008) from collective to individual means of expression typifies a rather broad brush, and perhaps overly optimistic perspective which when examined closely, has difficulty making sense of the shift in formulations presented in collective and individual disputes, with strikes featuring pay rises, and tribunals featuring unfair dismissals and unpaid wages. This problem of equivalence has made it tricky to analyse the extent to which declining collective disputes and rising individual disputes can be thought of as differing means to similar ends (c.f. Edwards 1986). A more focused lens was required to examine the reformulation of conflict, starting with a more basic analytical unit- discontent- and how it is formulated into individual (as well as collective) disputes.

A parallel development also begged further explanation- the rise of reports of 'bullying' as a "new signifier of distress," which acts as a "solar collector of resentments" (McCarthy and Mayhew 2004: xv), has become an increasingly prevalent as a grievance category (Gennard and Judge 2006, IRS, 2010, Suff 2011). Marxist analyses have suggested that the ascendancy of managerial prerogative and changes in the nature of work towards intensification and aggressive performance management are the main drivers of the rise of 'bullying' (Ironside and Seifert 2003), which is mainly perpetrated by managers. But to what extent is this experience contested in grievances? Survey evidence is patchy in terms of coverage of trends over-time, but the general consensus has been that 'bullying' goes under-challenged (Lee 2000). How this manifests in different workplaces, under different workplace arrangements has also been unclear.

For this thesis, data was drawn from 59 in-depth interviews, non-participant observation and analysis of documents. As little research had looked at what is raised in grievances or how this might vary in different contexts, a preliminary, extensive phase examined 12 grievances trajectories, in addition to the perspectives of worker representatives accessed

through an employment rights centre (ERC). Preliminary conceptions of patterns of grievance expressions were then examined in comparative workplaces, varying in the degree of worker organisation and control, from which a further 47 interviews were gathered. In addition to looking at how representative arrangements impacted the nature of grievances, this intensive phase allowed for fuller contextualisation of findings in order to explain how, and what particular configurations of expressions arose. It became clear that the nature of grievances raised varied in different workplace regimes such that in workplaces with strong organisation like Shipyard, grievances are rare and accorded a discrete role, ironing out, testing and extending collective agreements over the pertinent issues which may be sources of antagonism (such as pay, hours, control of the labour process, including the design, pace and intensity of work and so forth). However, at the other end of the spectrum, grievances may be rare because workers are fearful of reprisals and lack belief that grievances will be given a fair hearing. In the middle, grievances become a battleground where collective agreements have promised much, but on the ground are not achieving workers' aims (but inhabitants of this context retain some confidence to raise grievances without reprisal in most circumstances).

In all workplaces, for all workers and all kinds of work, there are numerous aspects which can become sources of antagonism when out of balance. For the most part these are not expressed as grievances but are negotiated in daily work routines and effort bargaining, or are let go, at least for the time being. A certain level of irritation around those less positive features of work are accepted as 'occupational hazards'. Grievance expressions usually arise from accumulating discontents, where some aspects became too much to bear. In general, this was more frequent in workplaces where the frontier of control was extended far in management's favour (though not so far that people are frightened to raise them), as with little opportunity to voice discontent or rectify sources of antagonism, day-to-day issues go unresolved. This relation goes some way to explaining the ubiquity of the term 'bullying' surrounding narratives of grievance, descriptive of the punishing workplace regimes of Teleoffice and Bankcentre (as well as a number of ERC-client workplaces) where work was intense, discipline swift and attempts to informally resolve grievances were generally futile. However, whilst used as a summation, bullying was rarely the stated cause of grievances. In the highly organised context of Shipyard, 'bullying' did not emerge as a prevalent grievance, nor a resonant descriptor of the workplace regime. In Teleoffice and Bankcentre, grievances rarely sought to address 'bullying' rather they focused on minutiae

of appraisal scores, refusals of requests for leave and so forth- the manifestations of issues that had not been resolved in collective agreements, despite there being numerous attempts to restrict managerial control and aggression in this area. As found by Fevre et al (2012), most grievances could be related to some form of unreasonable management. However, whereas Fevre et al view this as something dysfunctional for organisations, and something that can be eradicated if only line-managers buy into dignity at work policies, here, what was described as 'bullying' was seen to be profitable to management (via work intensification, muffled dissent and suchlike), is viewed as endemic to capitalism, and variable in relation to the degree of workers' countervailing power in workplaces.

The 'vulnerable' workers that came to ERC did not identify themselves as such until 1) they needed help, 2) realised it was not forthcoming from managers or HR departments, and 3) found that external help was (whilst enormously valuable) too little too late to address their workplace situations. The workplace case-studies varied in terms of grievance expression. At Teleoffice, grievances were fairly common, but at Bankcentre, despite very acute discontent among the workforce, fear overrode peoples' will to challenge management in all but the most extreme of circumstances, such as when they were likely to be fired or resign. Shipyard and Teleoffice union reps were able to informally resolve many issues that might lead to grievances, although in the latter case, this did not extend to discipline, which was swift and unrelenting. The 'problem' of individual disputes at workplace level, where grievances are frequent and difficult to resolve, thus appears to be a collision of two worlds- an old world in which workers expected fair treatment, an acceptable pace of work and to safely raise concerns they have when necessary and a new (Neo-Liberal) order in which managerial prerogative and unitarism is in ascendancy and raising a grievance is viewed as career suicide (c.f. Teague and Doherty 2011). In all the workplaces studied there were unresolved sources of discontent, something which is inherent to employment relations under capitalism. However, alternative trajectories of expression allow more or less partial resolution and here, it has been demonstrated how tensions can be formulated differently when expressed through different mediums, unlocking the changing nature of disputes observed since the late 1970s and early 1980s, from collective, proactive demands for better pay (and to a lesser degree, better conditions), to individual, defensive pleas for the relent of aggressive management.

10.2 Theoretical Contribution

The thesis builds on a growing body of work from a critical perspective stressing the counter-mobilisation of labour and suppression of workplace conflict expression (Kelly 1998). Whilst the thesis was initially positioned to examine grievances as proliferating as a result of method displacement (Gall and Hebdon 2008) in the way conflict is expressed, displacement towards grievances was found to be slight, as grievances were rare in the selected case-studies. Rather, grievances were pre-empted by discipline and thus workers were disputing management-initiated conflict. This could be broadly discerned from shifting forms, but only through examining formulations could the situation be more precisely understood and demonstrated.

The approach followed Kelly's call for an analytical move towards social processes of interest definition in explaining worker action and inaction, which necessitates peering beneath the institutional level of formal disputes and union density. However, there is a slight break from Kelly in that more stress is placed on connectivity with labour process analysis- it is important to understand 'how work gets done' in order to explain the specific nature of sources of antagonism expressed in grievances, such as the pre-eminence of bullying. In order to decipher changing formulations of conflict, it is important to understand antagonisms arising from struggles around the frontier of control, and how this leads to worker mobilisation (or not). Considering the contingent expression of discontent in different forms and formulations allows us to trace how and in what ways manifestations of conflict are increasingly expressed as 'collective issues writ small' (Bacon and Storey 1996). It was important to demonstrate the malleability of conflict and how its formulations reflect more about the means through which it is expressed (be that through a formal collective demand or dispute, a grievance or tribunal claim) than the objective nature of the antagonism. It might appear to the casual observer that different forms of conflict feature different types of complaint (i.e. collective issues will find collective expression). However, conflict is a fluid phenomenon and alternate avenues such as grievances give an alternate inflection to the same underlying antagonisms as might be expressed collectively. The form of conflict has changed, but formulations have also shifted in important ways that demonstrate the disempowerment of labour.

The research finds agreement with Ironside and Siefert (2003) and Hole and Beale (2006) that the rise of reports of bullying, which was ubiquitous as a summation of experience,

particularly in weakly organised and non-union environments, is more a reflection of the disempowerment of labour and associated changes to work (intensification being the clearest trend), rather than merely a shift in discourse (although this intertwines with it becoming a legitimate and potentially powerful formulation). Going beyond existing explanations, this thesis has shown how bullying is an omnipresent descriptor surrounding grievances that tend to focus on much narrower aspects of discontent. This was particularly pronounced where workers lacked the means to collectively address the underlying issues by pushing back the frontier of control in their favour.

10.3 Practical Implications

In this thesis, the intricate relationship between the collective regulation of work and grievance expression has been demonstrated. This should be of concern to policy makers who have treated individual and collective disputes as separate concerns. The findings raise questions over the rectitude of withdrawing individual rights and increasing the cost of judicial consideration of workplace grievances as in order to suppress them, on the basis that claims lack substance and are a nuisance to employers. Instead we find that many cases of legitimate grievance are not raised but sat-on until workers' situation becomes intolerable.

Over the course of the late 1980s and 1990s, the rise of individual disputes appeared to be an unintended effect of suppressing collectivism. However, the more recent turn has been to suppress individual disputes, attacking the costs on the employment tribunal system, but also reducing the platform for grievances at workplace level that may require external adjudication, and the justification of individual employment rights. However, policy on dispute resolution has, for several decades, treated individual and collective forms as something separate. The findings here underline the need for more careful attention to the interrelations of individual and collective expressions of conflict, in particular considering how tight collective agreements pre-empt problems leading to grievances (and tribunals as found elsewhere) as expressions. Ironside and Seifert argue that the bullying, which featured as the key descriptor of discontent in this study, must be seen as a collective issue of workers' rights:

"Negotiations over a case of bullying are not isolated from other negotiations…
the way that bullying issues are handled, and the outcome of grievance
hearings, both reflect the wider patterns of bargaining relationships" (2003:
397).

Some 'enlightened' managements may see the benefit of handling conflict more effectively,
rather than papering over the cracks in dealing with multiple, intractable grievances.
However, ultimately as interests are often (though not entirely) oppositional to those of
workers, employers need a push, and that is only likely to come from independent trade
unions. The likelihood of, or path towards union revitalisation is beyond the bounds of this
thesis. However, it is unlikely that tackling the ills of performance management can come
from any other corner. I hope that this research will encourage an acceptance of the futility
of expecting conflict to disappear or to be handled with an informal chat where many
variegated discontents have accumulated around whichever limited aspect becomes the
focus of a grievance. The comparative data presented here show that 'informal resolution',
which have become the buzzwords of government policy discourses on dispute resolution
(since at least Gibbons 2007, c.f. BiS 2011) is only likely where there is something
resembling a more equal balance of power between workers and management. Where
managerial prerogative has unbridled sway and collective agreements are either absent or
weak, grievances that do arise are so overburdened by the weight of accumulating
resentments they cannot hope to address.

In the bleakest workplaces, workers may be afraid of retribution and may only use
grievances when they have little else to lose, as when they fear being 'managed-out'. The
likelihood in absence of an embedded custom of informal resolution- based upon a
relationship between workers and management approaching something of a more equal
balance of power- is that grievances that do arise become intractable through an individual
procedure. Fevre et al (2011, 2012) argue that unions do not prevent 'ill-treatment' much
of which they relate to what is understood as 'bullying', but these authors do not consider
varying degrees of union power. This research has highlighted how the degree of collective
aggregation of discontents relates to the volume and nature of grievances, and the degree
to which they are capable of resolving individual complaints.

10.4 Limitations

The research was motivated by the observation that the nature and extent of workplace conflict were poorly understood. Grievances were a particular site of empirical and theoretical paucity amid a wider picture in which other kinds of formal disputes are generally taken (misleadingly) as 'barometers' of the state of employment relations. Governments have tended to portrary the decline of collective disputes as signifying improving workplace relations and the death of collectivism, whilst rising tribunal claims were viewed as a separate trend of growing litigiousness, largely led by the provision of overly generous employment rights and permissive access to justice for nuisance litigants. Yet, few studies had looked at the substance of complaints raised in individual disputes (as compared with collective), particularly those raised within the workplace.

The number of formal disputes has always been a poor indicator of employment relations, but recent dramatic changes to dispute resolution policy have made it pressing to demonstrate how and why. To aid this, this thesis looked into the nature of grievance expressions, tracing the interrelations of collective organisation and individualised formulations of conflicts so as to understand how varying levels of unionisation affect hitherto understudied expressions of conflict- in grievances. The empirical data would have been richer if more direct access to a greater number of grievance narratives could have been accessed. Nevertheless, the finding that some much discontent goes unexpressed is an important one. The research was designed with the guiding assumption that there had, and was a significant degree of displacement from collective conflict towards individual grievances- this was not the case in any of the workplaces studied, despite widespread dissatisfaction and managerially-initiated conflict via discipline. Thus, the moral panic over the 'overburdened' tribunal system and associated assumptions of managements beset by time-wasting grievances must be dispelled as a myth. Workplace discontent and the expression of conflict are a notoriously difficult subject matter to access empirically, and increasingly so as pluralism has been increasingly replaced by unitarism, predominant strategies of cost-minimisation and unilateral decision-making (meaning employment relations are not a priority) and a deregulatory approach from governments, post-1979 (Edwards 2005: 276).

The research has not explored the perhaps greater struggles of those on the peripheries of the labour market, on zero-hours contracts or underemployed. I have not touched on the issues of

the intersections of sex, race[80] or other dimensions of disadvantage (although at Teleoffice, women reportedly had more run-ins with PM, largely due to their greater domestic burdens). These are themes that research has to be more carefully and purposively attuned to- i.e. one probably needs to 'go-looking' for meaningful data on these themes. Physical and mental/emotional capacity at work did arise in the data in relation to the deleterious impact of performance management, but like Fevre et al, I believe that the motive for the majority of such abuses are not primarily motivated by sexism or racism but by profit-at-any-cost.

> "Like the employees in our survey, we do not think that most of the unreasonable treatment we discovered was the result of managers and employers targeting people with disabilities and chronic illness in workplace hate crimes… [Rather] most unreasonable treatment follows from a failure to accommodate people with disabilities and chronic illness in the workplace… This was not stigmatisation of them for their disabilities but rather for their failure to meet their employers' expectations, for example, of their work and attendance" (2012a: 46)

10.5 Future Research

In this thesis, the varying fortunes of different levels of unionisation were explored, but it would be beneficial to know more of other regimes types such as sophisticated non-union employers and cooperatives- how different are they from the case-studies. However, it is likely that in non-union workplaces, however sophisticated the employer, workers (who may have staff associations and participatory or involvement schemes) lack the power to significantly influence management on important issues, or ensure fair hearing of grievances. As suggested strongly in the Teleoffice and Bankcentre cases, and as Lewis and Rayner (2003) have argued, the very nature and rise of HRMism, with its twin discourses of interrogation and therapy (Austrin 1994) may be related to the existence of bullying and may hinder constructive management of the problem. 'Soft HRM' is meant to help people realise their full potential and gain optimal performance- but maximising performance can become bullying.

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[80] All respondents were white. If there were black or minority ethnic grievants or union representatives in the case studies, they were not identified to me by the gate-keepers and I did not actively pursue worker respondents of any particular type on the workplace case-studies. In the ERC data, I requested a spread of occupations, sectors and types of problems.

Were I to conduct this study again, I would employ more detailed interrogation of the letter of collective agreements, and the processes of their creation in relation to specific grievance and their formulation to gain a richer understanding of their interstices, and the extent to which the same concerns are dealt with in different guises in these different venues for expression. This is I believe, a fruitful avenue for further research which would be particularly valuable in further solidifying knowledge of how, why and where bullying is leaking out of managerial promises and collective agreements on dignity at work, appropriate performance management and judicious discipline. This matters- it matters to unions, it matters to all those who work for a wage, and it should matter to policy makers.

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