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# The Contest for Workplace Employee Representation: Still Seeking Answers?

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# The Contest for Workplace Employee Representation: Still Seeking Answers?



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## 1.0 Introduction.

Within the modern UK employment relationship, there are frequent debates between employers, employees, and trade union representatives ('ER actors') about the construct of employee voice (EV), specifically, the right to be involved in decision-making processes. This paper addresses these key debates, specifically which form/s of EV and mechanisms of employee representation best involve workplace employees in organizational decision-making? By doing so, this paper demonstrates trade union and non-union' mechanisms ability to 'contest' the realm of workplace employee representation at two UK sites.

This paper's focus is upon ER 'actors', such as employee representatives, who are crucial both to organizational decision-making, and also agents for their coworkers in defending working conditions, pay, restructuring and job security (Garcia et. al, 2018). EV levels incorporating different scopes, level, depth and forms of EV, are used in this paper to describe the organizational points where employee representatives attempt to influence workplace decisions (see below).

Following the introduction of non-union mechanisms in UK organisations, aided by the passing of the Information and Consultation Directive (ICE) 2002, UK employees may set up a workplace body independent of trade unions. Expectations that once surrounded ICE included introducing the continental European model promoting social dialogue and consultation (Koukiadaki, 2010), but these expectations subsequently allowed employer prerogatives to avoid workplace Information and Consultation (I and C) arrangements (see Cullinane et al., 2017). Identified here as a 'works council' (WC), this dual arrangement potentially creates workplace mechanisms which offer alternative means of seeking employee representation, specifically the question of which mechanism should represent the interests of the workforce, either singly, or dually within that workplace. Seen from this perspective, EV has become a focus between non-union WCs, and their counterparts of workplace trade unions. It therefore tasks us to consider what the future model of UK employee representation might comprise? Is it a zero-sum game, with either trade union or non-union voice prevailing, or might there be pathways of workplace representation that deliver fulfilling involvement and participation (I and P) for employees, with mutual benefits for all stakeholders, and competition for influence over management decision making. The units of analysis in this paper and for such 'contest' are UK workplace employee representatives, operating within different mechanisms. We study two UK workplaces**:** one a non-unionised setting where a WC represented all employees,

whilst the other workplace where employees delegated their voice solely to a site trade union. By including both union and non-union organisations, we record how two mature mechanisms of employee representation functioned independently in UK workplaces. The success of such comparison requires some conceptual framework, here we use EV to measure to what extent both union and non-union (WC) mechanisms are successful in amplifying their constituent's voice, i.e., informing managerial decisions (see below). In addition, this paper also uses a framework that considers the employee representatives' own workplace dilemmas in carrying out their functions, identified as ones of confidentiality, challenge and trust. This framework shows how, and where, workplace representatives' dilemmas are sometimes key to determining the success of employee representatives and their voices, and thus their influences over decision making in their respective settings. Success, we suggest, is therefore partly dependent on representatives showing how they effectively manage these representative dilemmas, and how effective systems of EV improves outcomes for their memberships.

This paper's exploration of a UK 'contest' for workplace representation - prompts the first research question: Does the 'contest' for employee representation between these ER actors (see above) present an opportunity for UK-based unions to re-assert their worth as proficient and effective voices? Studies (see Butler, 2015; McCloskey and McDonnell, 2018), observe that research concerning EV should focus upon when, and how, voice mechanisms such as trade unions and non-union consultative mechanisms (WC) compete with, rather than complement, one another. A second research question emerges from these research themes: Are non-union WCs competing with unions for workplace representation, or alternatively, presenting opportunities for co-operation with trade unions? In addressing these issues, this paper expands earlier EV concepts (see Marchington et al., 2001, 2012 and 2015) and academic contributions in two ways. Firstly, we operationalize those voice concepts identifying the scope, form, level and depth in employee representatives' roles and activities by assessing where these concepts influenced representatives' workplace activities and decision-making in the two case study environments. Moreover, this paper explores voice from the perspective of both union and non-union representatives (NERs). Secondly, the paper differs from earlier studies reviewing employee representatives' roles and activities, (see Butler, 2005: Gollan, 2003), specifically, how the management of three identical workplace dilemmas (see above)

and encountered by the case study representatives' reveals their own role proficiency and effectiveness. The data presented is limited in application and was researched when ICER Regulations in 2004 were in place, and in years thereafter, and this obvious limitation is immediately acknowledged. The paper and its findings must be read in this light.

In the next section we present the literature review, describing the significance of EV, and debates upon the UK employee representative's effectiveness. We summarise the respective company representative mechanisms, and our methodologies, data collection and analysis. The paper then presents its findings and concludes with suggestions for further research.

## 2.0 EV's Significance.

EV is significant from both business and employee welfare perspectives. The business case for voice is suggested as "an essential link in the quest for increased organisational performance" (Johnstone and Ackers, 2015:8). The Modern Working Practices report (Taylor, 2017) associated UK EV with welfare benefits by offering 'quality' work operated through consultative participation and collective representation. The IR literature suggests that EV is controlled by management, and is concerned with debates concerning industrial democracy, worker protection and imbalances of power between workers and management (Wilkinson et al., 2020). For example, studies suggest that employers not only enjoy ultimate power, but also demonstrate specific choices regarding the extent of I and C they share with NERs (see Donaghey et. al., 2022). Other studies suggested that EV firm-specific conditions can result in highly collaborative and trusting relations between employees and management (Gilman et al., 2015). EV can, therefore, trigger improved employment relations where management and employees act together. Further studies, however, identify EV 'architectures' in workplaces where EV remains 'unheard', perpetuating a climate of silence through representatives' fear of speaking up to challenge management (Wilkinson et al., 2018a). This paper informs knowledge of how, and when, EV can establish trusting relations with constituents and management alike, and why, contrastingly, EV remains 'unheard' in workplaces, despite the

presence of employee representatives. The paper informs debates on worker choice and agency towards EV mechanisms (see Donaghy et al., 2022), by showing why support for representative mechanisms may be won or lost within UK workplaces.

To understand the effectiveness of EV we evaluate four factors identified in literature, namely: scope, levels, form, and depth (see Marchington et al., 2001 and 2012). The scope of EV comprises the wider strategic issues (i.e. new ownership regimes, production, and locations), alongside narrower operational issues discussed between managers and employees (i.e. pay, hours, terms, conditions, working practices). The form of EV includes both direct or indirect interactions, for example, whether employees are represented collectively or not, and how decisions are formulated i.e. face to face or by collective bargaining. Dundon and Wilkinson, (2013: 489) suggested that EV depth shows the extent to which employees, 'either directly or indirectly, can influence those decisions normally reserved for management'. Marchington's later (2015) study linked depth to high trust relationships with trade unions, indicating that better outcomes for workplace employee involvement and participation (EIP), occurred when management worked closely with unions. Bennett et al., (2020) posit that EV and EIP are closely linked to balances of power between employer and employee. The four factors discussed here (scope, levels, form, depth), are all applied to this paper's two case studies respectively and evaluates their successes or failures in delivering outcomes for their constituents.

*2.1 Non-union representation in UK organisations*

Non-union mechanisms (i.e., WCs) potentially offer employees involvement and influence over decision-making relating to business changes (See, for example: Hall et al.,2013) that possibly threatens the single channel model and questioning trade union's legitimacy. For example, UK unions do not mirror the continental dual channel model where trade unions mediate conflict within the realm of collective bargaining, leaving WCs to build trust and co-operation with employers at site level (Bales et al., 2018). So, where WCs are

established and maintained by employer patronage, then they may potentially win employees' trust and take the place of TUs as the preferred organizational voice mechanism.

Studies also suggest that UK non-union mechanisms are often uninvolved in collective bargaining or negotiation, sometimes becoming too dependent upon employer patronage and support (Cullinane et al., 2015). The literature exposes different outcomes of success for such non-union mechanisms. Certainly, employer preference may play a part in selecting non-union mechanisms (Bryson et al., 2019). UK managers frequently exert tight controls over the agendas and powers of these mechanisms, some managers adopting flexible and integrated joint problem-solving approach with NERs (Kougiannou et al., 2021a). Management may use the company WC and its NERs as 1) conduits for their own agendas and 2) a means of legitimizing their policies. Consequently, WCs regularly exhibit workplace legitimacy problems (see Butler, 2005), lacking clarity in their remit and purpose (see McCloskey and McDonnell, 2018). NERs have very limited legal rights in relation to representation or dismissal (Bennett et al., 2020). These shortfalls pose questions about NERs expertise in managing crises and ability to challenge TUs when representing employees. The threat to TUs from WCs arises arguably from the paucity of alternative indirect voice representative mechanisms in UK organisations, highlighting earlier debates that WCs prevalence would increase after the ICE directive's introduction in 2002 (Van Wanrooy et al., 2013: 57). Research into non-union mechanisms shows that its efficacy to workers in a non-unionised workplace can depend upon whether it is an effective mechanism for dispute resolution, and, further, organizational worker's choices to accept, adjust, acquiesce to, or avoid the mechanism itself, can characterize its nature and shape (Donaghy et al., 2022).

### *2.2 Trade union representation in UK organisations.*

Regulations published under TULCRA 1992, and the Trade Union Act 2016 (TUA 2016) contain powers restricting facility time of UK union representatives (Ford and Novitz, 2016).

Nevertheless, UK union representatives' legal rights to undertake statutory duties arguably remain extensive [1]. Union representatives' access to constituents enables them to promote conflict resolution, encouraging high trust relationships with employers (Bennett et al., 2020). Recognised trade unions have the advantages of time, union facilities and infrastructures when compared to NERs. Combined, such advantages strengthen union representatives' workplace powers and legitimacy - symbolic yardsticks for determining whether unions are the true voice of those they represent (Greenfield and Pleasure, 1993).

This paper reports the findings from two case studies namely, *EngineeringCo*. and *FlyCo*., where each *respectively* utilised, a company sponsored WC and a recognised trade union. We analyse how these separate mechanisms contest the employment relationship, the successful outcome from which, we argue, partly depends on representatives' role proficiency, shown through their management of three representative dilemmas: confidentiality, challenge, and trust. We now focus upon the case study selection and methods before moving onto representatives' dilemmas.

**3.0 Case Study Selection and Methods.**

This papers two case study organisations share similarities and differences. PLCs with established manufacturing sites in Northern England,[1] selected because (1) each had a single form of employee representation, and (2) was a manufacturing environment. (3) Both firms operated mature mechanisms of workplace employee representation, with histories of strike activity and market difficulties. Both faced the possibility of closure during the research. However, the sites differed in their representative mechanisms. Firstly, Engineering Co. relied solely upon a factory-based WC. Union density was low (approximately 10% of the workforce). In contrast, FlyCo. recognised trade unions, hence it had long-standing experience of working with shop stewards. Secondly, representatives in both cases studies spoke frequently about their dilemmas as an employee representative.

[1] Both companies requested anonymity.

Describing two inductive case studies, this paper draws primarily on data from numerous sources and organisational levels. The research design facilitated access to site actors to undertake face to face interviews. Once the respective company management and representatives were contacted by telephone, preliminary site visits were arranged. This involved speaking to both employee representatives and HR personnel. After the initial round of interviews further site trips took place. In terms of qualitative data, 35 semi-structured interviews and meetings with representatives, HR and management focused on interviewees' workplace roles, activities, and experiences; these were recorded and transcribed. Interviews were conducted in response to emergent themes (i.e. pay disputes, workforce reductions), and workplace critical incidents were specifically explored, revealing that dilemmas were commonplace for both sets of workplace representatives in their workplace activities and roles. Participant interviewees were purposively selected and personally contacted with a summary of the research and its aims, requesting their participation. Interviewees had direct roles as representatives, or frequently interacted with the respective company trade unions or WC. Recorded on site, interviews were conducted with HR directors, trade union officers, and NERs. The research design adopted an empathetic role to encourage exploratory and probing interviews, (see Holstein and Gubrium. 1995). During the first phase of research, group interviews with representatives and HR personnel focussed on the research questions, ensuring authenticity and consistency in outcomes (Sparrow and Hiltrop, 1995), and encompassed working environments, employment conditions, and site history. In a second interviews phase, further discussions with the same employee representatives - either individually or in groups - focussed upon their dilemmas and workplace critical events identified by these participants - a method used where voice is central to the research (see McCloskey and McDonnell, 2018). Critical workplace incidents include, for example, "workplace trust relationship breakdowns" (Horn, 2009, p.210), events unfolding over time and affecting relations between representatives, employees, and management. In addition, non-participant observations of WC and union meetings provided rich data on site cultures and decision-making processes. Initial data from interviews was manually analysed and codes assigned identifying common themes (i.e. representatives' activities and duties). Researcher field notes recorded data about

workplace practices immediately after the site visits. This data was supplemented by secondary archival documents, i.e., minutes of formal meetings (5 years) between management and union or WC officers, plus non-union WC constitutions (n=2) and company reports (n=5). Access was granted, uniquely and exclusively for this research, to one senior trade union officers' (convenor) site diary (15 pages), this offered insights into site events and constituents' views. These diary records constituted "reflective conversations" (Anderson, 2004: p196) of workplace situations. Interviews were conducted on site, with separate informal corridor and canteen conversations uncovering previously unknown events. Numerous telephone conversations with interviewees were also transcribed immediately after these calls. Limitations are recognized as the research covered two sites in a similar geographical area, both facing very challenging trading conditions linked to international market competition. The longitudinal nature of the research facilitated a reflective ability to move between theoretical concepts and raw data (Stake, 1995) allowing interpretation and understanding of the data to emerge over time. Below we explore research data from the two case studies (Figure 1).

***3.1 (Figure 1: Case Study Interviews and Sources of data in Engineering Co. and FlyCo.)***

**4.0 Company descriptions and Representative mechanisms.**

Engineering Co. employed 350 manual shop-floor employees at this UK site where its former trade union supported strike action during the 1990's regarding pay, and threats of site closure. Site managers reported that threats of closure by its USA owners following these strikes resulted in little opposition to de-recognition of the site trade union. The site's UK management immediately replaced the union with a site WC representing manual workers.

One senior manager (WC Chair) confirmed that the WC was management's innovation, and the employees' preferred choice to replace the site union. This WC comprised three site directors (managers), with twelve further seats held by elected shop-floor employees.[2] The WCs constitution provided for I and C rights, but negotiations and collective bargaining over wages, terms and conditions were excluded from its remit. The formal monthly meetings comprised management providing financial and operational information and WC representatives raising their concerns and constituents' views. In terms of resources, representatives had neither office space, nor identified time, to undertake representative duties. They neither represented constituents at disciplinary and grievance meetings, nor conducted any constituency surgeries with them.

In 2002, following the business takeover by a US MNC, new management structures were introduced, and WC elections were held, this coinciding with the passage of the ICE 2002 into British law. Site WC representatives, who were former TU officers, frequently expressed their dissatisfaction with the WC's influence: "*The WC is not working: I used to be a shop steward: at least the Union would stick up for you*" (WC representative 1-6). Thereafter, the WC's continuance reflected the workforce's disenchantment with pay awards and the site's future, which prompted one trade union to attempt recruiting new members outside the factory gates.

The WCs decline in popularity amongst the manual workforce prompted site management to extend the WC's constitution in 2005, empowering representatives to: "*influence the decision-making process*" and be consulted over new issues including "*collective issues: terms and conditions and redundancy*". After 2005 the site HR manager oversaw WC meetings jointly with a new employee-elected Chair – this was seen as conceding to NERs

demands. However, one WC representative stated: "*We're only consulted when it suits management*" (WC representative 1-6). This comment confirmed that the WC ostensibly retained management patronage throughout its pre- and post-2005 existence, remaining unable to influence management's control over worker's pay and conditions.

The FlyCo. manufacturing site is in Northern England. Manual and staff employees work in assembly shops, design areas and technical offices. The site's workforce declined from 8,500 to 1,950 employees during the 1990's. The site's history of industrial action between the 1970s and 1990's involved manual and staff employees. In response to competitive tendering for defense contracts in the UK aerospace industry during the 1990s, both senior management and company trade unions introduced new flexible working practices described as *"…a substantial gain…."* (Diary entry: convenor), requiring major re-negotiation of agreements, specifically concerning re-training and re-deployment schemes. In addition, new "*partnerships"* (ER Director,) introduced team-self-management and joint problem-solving.

FlyCo. trade union site representatives and employees were divided into two discrete bargaining groups - with the manual grades' union representing semi-skilled workers (i.e., welders), and staff unions represented other employees (avionics designers). The high trade union density level amongst manual workers (90%) and staff unions (65%), meant unions played critical roles in company re-structuring. Research data reported here was obtained from the Staff Union Committee (SUC) comprising the Chairman, Vice Chairman and Convenors. Trade union representatives at FlyCo. occupied separate on-site offices, their facility time allowed for mass meetings and individual surgeries with members, including representing constituents in disciplinary meetings. The network of national and regional contacts advised on union related matters and offered important contributions to negotiations over terms, conditions, labour rates, training, policies, and procedures. We now present three employee representatives dilemmas as concepts, and then the research findings.

## 5.0. Dilemmas as Concepts and Research Findings.

Dilemmas confront workplace representatives when reconciling tensions between employers and employees (see Batstone et al., 1977). Here, the notion of 'contest' emerges at

two levels, the conflict prevailing between capital and labor, and potential conflict between unions and NERs.

### *5.1Confidentiality dilemma and findings*

Oxenbridge and Brown (2004) suggested confidentiality involves a) balancing and reconciling constituents' expectations over strategic, financial, or business information, and then correctly identifying when to disclose information to constituents. Confidentiality dilemmas offered insights into difficulties caused to representatives over disclosing limited information to their memberships. For example, at Engineering Co., WC representatives withheld from constituents' confidential information concerning site critical issues including closure, redundancies, wages, and salary freezes, provided to representatives by managers in WC formal meetings:

> *"It's difficult to explain bad news about the site, its prospects and possible redundancies and why management are doing certain things – you just cannot reveal everything."* (WC representative: 1-6).

Consequently, constituents often felt representatives were co-opted by site managers: *"…they* (constituents) *see me siding with managers… I just repeat what they* (management) *told us we can say"* (WC representative: 1-6). In addition, constituents equated this problem with their representative's failure to deliver successes: *"…. they say to me, 'is that all you've come out of the meeting with'?"* (WC representative 7-12). Overall, where previously confidential issues were not shared in good time, then differences with constituents led to tensions between representatives and questions about their roles and remit.

Unless it was considered tactically prudent not to do so, FlyCo.'s union representatives respected sensitive information, closely guarding confidential information: *"We are privy to information that requires sensitivity in its handling."* (Convenor). Senior representatives confirmed that confidentiality dilemmas concerned information provided by management during negotiations:

> *"We receive information we cannot pass onto the constituents because the company says, 'it's confidential.' concerning workload, job losses. It's a dilemma because the company sometimes plays games.'* (Vice-chairman).

This notion that companies' management *"play games",* shows that senior representatives sometimes agreed to changes they felt uncomfortable with:

> *"As convenors we are figureheads given confidential information about the true state of the business. You've got to buy into that."* (Convenor).

The policy to *"buy into"* retaining information about the business demonstrates how representatives' confidentiality dilemma resembles a balancing act, assessing business concerns against their members' needs. Here, experience in developing techniques to preserve membership support was deemed crucial: "…*The more information you give the membership the less the kick back you get.*" (Branch Chair).

Engineering Co. representatives' confidentiality dilemma often led to constituents being disappointed with both the outcomes and their representatives' behaviour. However, at FlyCo. confidentiality was a more sensitive issue because representatives were accountable to their trade union, causing them to consider both their options and their constituents' needs, before relaying or, alternatively, retaining confidential information through formal and informal channels.

***5.2 Challenge dilemma and findings.***

Studies of employee representative mechanisms describe challenge dilemmas as 'contests' with company management over the quality, content, and timing of delivering information to them and their constituents (see Timming, 2006). It also concerns a recognition that where management is not challenged, then constituents may lose faith in representative mechanisms, which, as indicated below, can lead to their permanent decline.

The challenge dilemmas presented critical incidents concerning threats of site closure, redundancies, and wage claims for both sets of representatives. EngineeringCo.'s representatives displayed an unwillingness to challenge management directly at monthly meetings because of fears concerning job security: *"Everyone is aware that conflicts may cause*

*the owners to look at closing this site."* (WC representative: 7-12). Managers information about site issues released to the WC was often limited. For example, managers revealed the site's poor productivity levels, with sub-texts of threats to site closure i.e. "*The owners require assurances that productivity will improve…"* (Minutes of WC meeting). Such interventions left representatives doubting whether it was sensible to challenge management policies over wages, redundancies, and site closure**.** In turn, challenge dilemmas sometimes led to constituents' criticisms of WC representatives' supposed shortcomings, specifically their reluctance to confront management over wage awards**:** *"When wages are announced then I steel myself for the backlash from my section."* (WC representative: 1-6).

The notion of "*backlash*" signified constituents' dissatisfactions with WC representatives. The WCs challenge dilemma intensified when representatives questioned managers about the US MNC's decision to freeze wages for two years. The next comment captures the representatives' apprehensions: "*You go into meetings to ask questions already knowing management's answer…but you've got to get answers for the constituents.*". Although WC representatives raised constituents' concerns, other representatives chose not to challenge management i.e.: "*…wages don't get discussed any more in WC meetings…*". (WC representative: 7-12). This pattern of site management that limited consultation in meetings, and simply informed representatives of decisions taken over wages**,** resulted in WC representatives no longer raising contentious agenda issues. This behaviour revealed an increasingly employer-driven mechanism, a trend reported elsewhere (see Bennett et al., 2020). Furthermore, WC representatives acknowledged their own frustrations with site management *"People on the shop floor felt that management was lying to them through me."* (WC representative: 7-12). These WC representatives articulated a sense of failure, specifically their inability to challenge management over wage freezes, redundancies, and site closure.

FlyCo. representative's challenge dilemmas similarly involved questioning whether to oppose management regarding pay, knowing that such opposition would possibly have implications for the site's long-term viability. One critical incident during the research involved

a pay dispute. One senior (leader) representative expressed resentment towards the company in their diary notes:

> *"…We can't make mistakes as a movement, the members expect us to express their views, to both challenge and be robust with management."* (Dairy entry: convenor).

This comment signalled a discernible transformation on the union's part, i.e., an increased militancy, and commitment to mobilise their constituents to resist senior management. Switching to an adversarial approach was possible because their constituents became more militant after being offered lower wage settlements compared to other company sites. These adversarial tactics represented forceful challenges, allowing union representatives to avoid accusations that they merely co-opted unpopular managerial decisions:

> *"It's easier to get a resolution by a straightforward negotiation and find common ground, so that's why being compliant is a dilemma."* (SUC Chairman).

This comment suggests militancy was not an easy route and resisting site management was difficult because union representatives found themselves in conflict with management, after previously working closely in "*partnership"*. Nevertheless, a successful ballot of their constituents for industrial action (IA) confirmed the union's argument that senior management carried responsibility for breakdowns in pay negotiations. This stance resonated with members, and demonstrated management's misreading of the workforce's mood:

> *"I deflected the criticism onto the company by saying to constituents: 'it's not us that's shafted you – it's the company. Management was supremely embarrassed*." (Dairy entry: convenor).

Ultimately, conducting a ballot forced the FlyCo. management concession on two key points, the reimbursement of lost pay and an increased pay offer acceptable to the workforce. Because of such concessions, IA was avoided at the site. The significance of union representative's dilemmas in challenging management was articulated thus: "*Often you don't give any ground* (to management). *You must be mindful what the membership will accept."* (Vice-chairman).

Two contrasting approaches to challenge dilemmas emerged. Engineering Co.'s dilemma saw WC representatives accommodating management based upon their understanding of the prevailing circumstances that made no other option, i.e., resistance, appear possible to them. In contrast, FlyCo.'s representatives initiated both adversarial and militant stances and resisted management's influence, showing flexibility that retained constituents' support over the pay dispute, and so they subsequently influenced management decision-making.

***5.3 Trust Dilemmas and findings.***

Studies identify trusting relationships between the employer and employee as encouraging both co-operative behaviors, and reducing conflict (Hatipoglu and Inelmen, 2018). Where representatives entrust management to keep them informed about business developments, which prove inaccurate or incomplete, then trust may diminish, relationships fragment, and representatives can lose credibility amongst constituents. Where mistrust emerges, it sometimes threatens the legitimacy of representative mechanisms, because constituents may view their elected mechanisms as being co-opted by management, causing questions about its sustainability.

Trust dilemmas faced by EngineeringCo. representatives concerned the accuracy of financial information provided by managers relating to site agency workers. "*In my time as a representative there has always been a trust issue with management."* (WC representative: 1-6). A critical incident arose related to the company policy of using temporary agency workers (TAW), leading to employees' increased distrust of management: *"If it was a redundancy situation then would agency workers be made redundant first - do we trust management to do that?"* (WC representative 7-12).

Because the WC representatives felt unable to organise their constituents' resistance of the site agency policy, trust between them and the workforce declined. Moreover, WC representatives reported that management side-lined their concerns in meetings, promoting further distrust of management amongst WC representatives. Therefore, although maintaining

working relations with employees and management might be considered a mark of success, it could not guarantee this WC's long-term survival. EngineeringCo.'s representatives also demonstrated scepticism concerning management's treatment of remuneration issues: *"You can't get trust back in 48 hours. They've been telling us they can't afford higher wages for years"* (WC representative: 7-12). One entry from the WC monthly meeting minutes revealed the WC Chairs' (site management's) approaches to downsizing: "*Redundancies are not open to discussion*". (WC meeting minutes). These comments seemingly contravened the updated 2005 constitution, and confirmed the WC representatives' views that they did not influence management's decisions, for example: "*…the site management tells us what is going to happen…not asking us* (WC) *what we think about it*. (WC representative: 7-12). In sum, the company's policies, combined with frustrations concerning site redundancies and wages, further undermined trust between the parties. These events triggered all representatives' resignations from the WC, promoting its immediate demise at the site.

FlyCo.'s union representatives reported that trust was difficult to maintain, a situation exacerbated where representatives questioned whether they could rely upon management to adhere to established protocols governing redundancies: *"Every time something happens within the business it chips away at that trust… do we trust the management to keep us aware of the issues, or do you take direct action?"* (Diary entry: Convenor). However, following years of mistrust, the following comment from the convenor's diary highlights how some union representatives viewed union-management relationships as a catalyst to improve relations - and build consensus between union and senior management: "*There seems to be less confrontation and more trust with the company because they do get involved in talks now."* (Diary entry: Convenor).

Therefore, one key aspect of trust dilemmas involves employee representatives' recognition that once normality returns, both parties must co-operate: *"You can be perceived by the constituents as being too close to management, and only by reverting to type can you build trust with the constituents"* (Convenor).

This change in approach eventually proved significant in saving the site from imminent closure when all parties successfully lobbied the UK Government's support for the business, and to protect against this sites closure. FlyCo.'s unions' flexible approaches towards the trust dilemma actions changed their relations with management, influencing decisions, re-establishing their earlier "*partnership",* and preserving activity at the plant. Trust and

improved relations were further promoted by Union Learning Representatives (ULR) involvement in site-wide skills and employees' re-training. Positive outcomes from managing trust dilemmas were, specifically, the promotion of high trust relationships that addressed plant security: "*We encouraged genuine dialogue…and found a resolution that has the least impact on the unions and the site*". (Union convenor). Experienced representatives facilitated increased trust, which addressed both membership and management concerns together. Table 1 exemplifies, representatives in both companies experienced how three dilemmas often created demanding situations that resulted in differing approaches to employee representation.

**Table 1:** ***Outcomes from three dilemmas: Engineering Co. and FlyCo. representatives.***

## 6.0 Discussion and Contributions to knowledge.

The papers' findings contribute towards EV knowledge in both theoretical and practical terms. In relation to EV and its scope, Engineering Co. WC representatives failed to challenge management's decision-making powers over changes to production, pay, agency working and redundancies, and were restricted by their WC constitutional remit, showing that management can control information and consultation interactions (see Donaghy et al., 2022). In contrast, FlyCo.'s representatives' wider negotiating remit ensured they increased both their influence and powers to intervene over critical issues, including pay, agency working, and the site's

future. These representatives EV scope widened their interactions with management, bolstered by the legal powers to collectively bargain over decisions.

In terms of EV forms, Engineering Co's agenda and meetings revealed that decisions (i.e. pay or redundancy plans), were made solely by management fiat (i.e. no equality or collective bargaining), agreeing with Kougiannou et al., (2021b) that employee representatives may accept management control because of the latter's prerogatives in managing the organization. Contrastingly, FlyCo. representatives showed the importance of EV forms by bargaining equally with management in meetings, and presenting unified, diverse, and established EV processes, (i.e., negotiations), strengthened by ULR's, training, surgeries, and nationwide TU infrastructures, which cemented their ability to articulate their constituents' views to management.

Discussing issues in monthly meetings with management was a level of EV highly valued by Engineering Co.'s representatives, yet they rarely challenged management directly (i.e., pay or redundancy plans) showing that management decisions were non-negotiable and EV levels went unchanged. Contrastingly, FlyCo. representatives purposely changed tactics, i.e., towards militancy, showing that negotiating at the same levels with management permitted representatives to either accommodate or resist management decisions. These outcomes show that making decisions at the same levels as management resulted in strong EV that was instrumental in influencing management decision making and strategy in these workplace settings.

EngineeringCo.'s representatives' depth of EV was no barrier to management decision making, leading to representatives' inability to mobilise workers, or influence management strategy, as in the case of management imposed pay freezes. Therefore, Engineering Co.'s representatives' failure to demonstrate any depth of EV effectively facilitated their being side-lined by management, and representatives' activities were hallmarked by distrust of management and alienation from their roles. These findings echo Kougiannou et al.'s (2021a) findings that the voluntary nature of I and C regulations for NER voice embeds barriers, preventing employee representatives effecting change without management's explicit support**.**

Contrastingly, FlyCo.'s representatives' depth of voice facilitated altering positions, a strategy which strengthened representatives' influence as demonstrated by the pay dispute outcomes, and, eventually, higher trust relations with management. This finding informs debates from trust literature showing that increasing the depth of EV allows mutual trust to grow between

ER actors. (see above: Marchington et al., 2015). The FlyCo representatives successful pay negotiations, re-enforce Dundon and Wilkinson (2013: 489) (see above), conclusions that EV depth also defines the extent to which employees 'influence those decisions normally reserved for management'. These representatives showed that by increasing their EV depth and influence over decisions, management prerogative was diminished, thereby moving power back towards representatives and employees.

We suggest that FlyCo.'s representatives employed EV more proficiently than EngineeringCo's WC across four factors identified by Marchington et al. (2001, 2012 and 2015). FlyCo. representatives demonstrated greater scope, levels, forms, and depth of EV, thereby influencing and changing management's position in relation to critical events. However, on every voice metric above, EngineeringCo.'s representative's EV and influence with management decision-making declined. Therefore, non-union WC representatives showed that where EV is lacking in scope, levels, forms, and depth, then they resemble the 'unheard voices' cited by Wilkinson et al.'s 2018a research (see above). Lacking formal legal rights, negotiating powers, experience, and external support, these NERs were questioned over their purpose, remit, and efficacy by employees, resulting in the WCs demise. In this research, representative voice, or its absence, can therefore be clearly linked to both representatives' impacts over decision making as the Table 2 shows:

**Table 2:** ***Voice outcomes for Engineering Co. and FlyCo. Company Representatives***

These findings suggest that by operationalizing Marchington et al.'s (2001, 2012) EV concepts its significance may be identified as one key metric in describing firstly) the realities of managing workplace dilemmas and their significance for workplace contests for representation, and secondly) that more effective workplace representation can result from using voice strategically and pragmatically. Where voice is consistent across these components, then representatives can raise issues, demand, and implement policy change using sanctions to

enforce these (i.e., Union ballots for IA). We now consider other emergent issues from findings, specifically the non-union and unions' contest for employee representation.

### *6.1 The 'contest' for employee representation.*

We acknowledge this research has limitations in focussing upon one geographical region, and manufacturing settings. Access was restricted to employee and WC representatives, HR personnel and management, and not to the wider workforces. However, the results unveil data on employee representative's dilemmas and highlighting the importance of EV to workplace employee representation. This paper indicates that trade unions occupy privileged positions in representing the workforce's interests, and can mobilise constituents to challenge and resist management. TU's representatives' paid facility time, negotiating through collective bargaining, and external national infrastructures, proved essential to bolster their hand and constituents' voice. These findings suggest that the post ICE 2002 era limits NERs capacities to offset management control where their voice is side-lined, their resources limited, and legislative rights in terms of roles and activities are weak.

The findings confirm that one contest exists at the management - employee interface, and another between respective IR protagonists acting for different constituencies. Where this intersection of contest and representation overlap, then dilemmas prove significant. Where, therefore, management perceives weakness in addressing dilemmas, then exploiting this may undermine NERs role in formulating company policy, resulting in struggles to win constituents' support.

Engineering Co.'s management demonstrated that, in the absence of a site TU, they designed consultative arrangements promoting their own agendas (see Hall et al., 2015). The defining limitations in these NERs' own management of dilemmas diminished their power, sovereignty, and effectiveness. These outcomes resulted in NERs ad hoc and reactive responses, which 1) left dilemmas unresolved, and 2) resulted in reductions of their constituents' support. In contrast, the FlyCo. union protected its negotiation and collective bargaining arrangements, which echoes Marchington's (2015) view that stronger levels of voice encourage higher trust relations.

## 7.0 Conclusion and suggested future research.

We recognize both a market and contest exist for workplace employee representation, resembling a zero-sum game, whereby one mechanism and its representatives prevail in winning the right to represent workplace constituents. We suggest the paper informs debates about this contest for employee representation, principally by showing how such circumstances can play out in practice.

The paper therefore contributes to academic debates and towards practice in three key aspects. Firstly, the paper used the construct of representatives' dilemmas to show, in specific environments and management regimes, that EV is key to representatives' abilities to undertake roles and activities proficiently for constituents, and ultimately to remain as their chosen workplace representative mechanism. This use of representative dilemmas arguably adds a new dimension through which to view Marchington's (2012 and 2015), four factors comprising EV (see above). The paper also confirms that the broader the scope, the higher the levels, the wider the forms, and the greater the depth of EV, the better becomes employee representatives' capacity to influence constituents, management, and decision-making at workplace levels. For example, where one or more of these EV factors is diminished in a non-union environment, (i.e. EngineeringCo.), then power reverts to workplace management and workplace employment relations alter too. In contrast, trade union representatives (i.e. FlyCo.), showed that where EV is maintained or expanded in scope, form, levels, and depth, then improved employment relations through collaborations and mutual partnership can occur, this outcome confirming earlier studies of EV (see Gilby, Raman and Pyman, 2015). The concept of EV can therefore be linked to the levels of employee representatives' successes and effectiveness in their work settings.

Secondly, this paper shows that where workplace representatives operate via a collective mechanism - i.e., TUs in this research - with clear remits, infrastructures, and training, they present united voices for constituents, holding management to account. In contrast, where collective mechanisms are divided - i.e., WC in this research – then EV is weaker, and

representatives operate under management control and patronage, and do not influence decision making. Thirdly, regarding implications for practice, trade union representatives showed hallmarks of effective employee representation by demonstrating autonomy, legitimacy, and efficacy (see Hyman,1997) in their activities – specifically their management of dilemmas and critical incidents. Trade union representatives confirmed that, in practice, their harnessing of trade union legal rights, knowledge, experience and constituents' support consistently legitimizes their position. Success across these key aspects of employee representation may be crucial in winning any contest for workplace representation in UK workplaces.

Addressing the first research question, this paper's findings indicate that in the contest for workplace employee representation, trade union representatives can, under present legal frameworks, still re-assert their worth to constituents. In addressing the second research question, positing whether union and non-union mechanisms are competing for employee representation, or alternatively offering opportunities for closer co-operation, the paper confirms that trade unions can withstand competition from non-union mechanisms, but as we suggest below, these union representatives should not be complacent.

We conclude that where unions are well organized, the dual nature of the British system would not appear to represent an apparent threat, but complacency remains unwise. In addressing the long-term declines in memberships, trade unions might engage in collectively bargaining and managing conflict, whilst WC's focus upon co-operative relations with employers (see Bales et al., 2018). If union representative's expertise and skills were shared with NER counterparts, then mutually beneficial outcomes can emerge. Co-existence and mutuality of interest might materialize between union and non-union WCs involving training, education, and support for non-union mechanisms by 'partnership' unions. We suggest that such mutuality will prove essential if both parties are to hinder management using the dual system to nullify each other's power and influence. Conceivably, the contest for employee representation is key to bridging the UK representation gap, providing an alternative agenda to

managerial prerogative and control. We suggest that union and non-union representatives can be equally influential in persuading management of the need for effective and impartial EV to promote good employment relations through consensual and trusting participation. Future studies could explore how union representatives and non-union representatives, operating in the same workplace settings, mutually approach the representation of employees – would these mechanisms be perhaps complementary, or, alternatively, competitive in nature?

**Footnotes:**

[1] Statutory rights contained in section 198 of the Trade Union and Labour Relations (Consolidation) Act 1998, requiring employers to give officials of recognised unions reasonable paid time off for the purpose of carrying out trade union duties. Further clarification and guidance is provided by the Acas Code of Practice – Time off for Trade Union Duties (Acas, 2009).

[2] Representatives were elected by a manual workforce ballot conducted across all site employees.

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**Figure 1: Case Study Interviews and Sources of data**

**Engineering Co.: Semi-structured interviews conducted on-site**

| Interviewees | Number of Interviewees | Number of times Interviewed | |
|---|---|---|---|
| HR Director | 1 | 3 x 1 | = 3 |
| Works Council | 12 | 12 x 1 | =12 |
| Works council Chair | 2 | 2 x 1 | = 2 |
| **Total** | **15** | | **17** |

**Engineering Co : Documents and Resources used in the research**

| | |
|---|---|
| Telephone calls with HR manager | 5 |
| Non-participant WC meetings attended as researcher | 3 |
| Works council Formal constitution | 2 |
| Formal minutes of WC meeting | 10 |
| **Total** | **18** |

**Fly Co.: Semi-structured interviews conducted on-site**

| Interviewees | Number of interviewees | Number of interviews | |
|---|---|---|---|
| HR managers | 2 | 2 x 1 = | 2 |
| TU convenors/Branch Chair | 4 | 4x 3 = | 12 |
| TU officers site branch | 3 | 4 x 1 = | 4 |
| **Total** | **9** | | **18** |

**Fly Co.: Documents and Resources**

| | |
|---|---|
| Telephone Discussions with Convenor | 8 |
| Trade union constitution | 1 |
| Diary Entries Conveynor | 10 |
| **Total** | **19** |

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**Table 1:** ***Outcomes from three dilemmas: Engineering Co. and FlyCo. representatives.***

| | Confidentiality Dilemma | Challenge Dilemma | Trust Dilemma | Representatives approach towards dilemmas | Representatives results from dilemmas |
|---|---|---|---|---|---|
| Engineering Co. | Representatives lacked strategies when disclosing confidential information | Representatives avoided challenges; accommodated management policies (i.e., pay freezes). | Representatives lost constituent's and management trust. | Reactive and ad hoc.<br><br>Neither tactical nor strategic in their actions. | Loss of constituents. support. Representatives resigned. |
| Fly Co. | Representatives facilitated when and how to disclose information to employers and constituents. | Representatives decided when to accommodate or resist management policies (i.e. in pay dispute). | Representatives' activities moved from no trust towards trusting relations with management | Strategic and tactical interactions with constituents and management | Maintained support of constituents and management. New 'partnership' approach emerged. |

*Source: Created by the authors.*

**Table 2:** ***Voice outcomes for Engineering Co. and FlyCo. Company Representatives***

| | Scope of voice | Levels of Voice | Depth of voice | Forms of Voice | Representatives results from voice |
|---|---|---|---|---|---|
| Engineering Co. | Representatives were unwilling to challenge agendas in meetings.<br><br>Interventions were non-threatening to management. | Management made decisions and ignored representatives' concerns. (i.e. pay freeze and agency workers). | I and C only.<br><br>Face to face meetings with management. | Infrequent challenges to management policies. (i.e. agency workers).<br><br>Representatives lacked a united front to managenment. | Loss of constituents' support.<br><br>Representatives resigned. Ineffective voice over critical events |
| Fly Co. | Wide remit to negotiate employment conditions (i.e. Pay, redundancy).<br><br>Strategic in nature | Representatives bargained equally with management and changed tactics to militancy. | Flexibility to alter their positions leading to higher trust relations. | Unified, diverse approach in negotiations which influenced management decisions. | Maintained influence and support of constituents and management.<br><br>Effective over critical events. |

*Source: Created by the authors.*

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