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## Re-conceptualizing voice in the non-union workplace

Tony Dundon and Paul J. Gollan<sup>1</sup>

### **Abstract**

*In this paper we present a conceptual analysis of the literature and research surrounding voice in the non-union workplace. The paper begins with a definitional discussion of non-unionism – what it is and what it is not, and then proceeds to unpick the concept of employee voice in the non-union workplace. The core of our analysis consists of a re-conceptualization of factors affecting non-union voice, and the potential outcomes as a result of external macro market pressures such as changing regulatory and market pressures for employee voice, and internal micro organisational dimensions such as management choice and strategy towards employee voice. From the analysis it is argued that more individualised and company-specific forms of employee voice are likely to increase. This poses new challenges for traditional collective representation and the institutional structures within which employee voice operates, which requires critical analysis and future empirical investigation.*

### **Key words:**

non-unionism; employee voice; information and consultation.

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## **Introduction**

In almost all parts of the westernised world, union density is in decline. In Britain it is not longer the case to note that membership has declined to an all-time low of around 29 percent (Kersely et al., 2005). It is now apparent that large sections of the workforce is comprised of 'never-members': people who have never and are unlikely to ever experience unionisation during their working lives (Bryson and Gomez, 2005).

In response there has been a renewed focus in the academic and practitioner literature on more direct consultation arrangements between employees and employers given the absence of union representation. Increasingly, individual employees either have to engage directly with their manager, or find themselves disenfranchised and have to turn to other third party institutions for assistance and help, such as employment tribunals, ACAS or the Citizens Advice Bureaux (Abbott, 2004), or even the church which is becoming more involved in advancing worker interests (Michelson, 2006; Wood, 2004). In part this is because managers have found a new degree of self-confidence in exercising unilateral decision-making powers. The emphasis on individualised voice also appears to have been stimulated by the search for greater workplace efficiency and productivity bound up in notions of people management and high performance (Wood, 1999). Above all, the single channel of trade union representation is no longer the dominant method by which employees can have a

say on matters that affect them at work. A whole variety of techniques, ranging from non-union works councils, joint consultative committees, quality circles, work teams and the application of contingent remuneration systems are part and parcel of the employment relations agenda for most workers and organizations.

The notion of employees having a voice at the workplace was popularised in the writings of two Harvard University labour economists in the 1970s and 1980s. Freeman and Medoff (1984) argued that it was highly desirable for both the workforce and for the company to provide a voice mechanism for employees. Allowing workers a voice provided a means for the early detection of problems that could have a potentially positive impact on productivity and quality. At the time, trade unionism was considered to be the most efficient institutional arrangement for providing employees with a voice at the workplace. Today, however, trade unions are absent in more organizations than they are present (Kersley et al, 2005). Even where unionisation is strong, it seems that bargaining has been relegated to consultation, and consultation further downgraded to communication (Millward et al, 2000).

Clearly the employment relations landscape has changed considerably, including a realignment of the institutional arrangements to enable workers to have a voice. The European Information and Consultation Directive has established the statutory right for employees (but not necessarily unions) to receive information and be consulted on a range of employment and business matters. Consultation

rights are also central to the notion of the European Company Statute, and in Britain trade union recognition legislation has established a platform for collective representation. At the same time however, the prevalence of the non-union firm and the rise in never-members has left a void in terms of traditional representation at the workplace. The shift towards increasingly precarious and atypical forms of employment, the fragmentation of organisational boundaries and an absence of effective employee voice has led to the call for alternative institutional arrangements in order to provide workers with a greater input into managerial decisions (Heery et al, 2004; Grimshaw et al, 2004; Marchington, 2005).

These developments raise a number of issues concerning the analysis and future research into employee representation. First, non-union voice is seriously neglected compared to the research on union forms of representation, and a rebalance is long overdue given the prevalence of the non-union firm. Second, the union-only channel of representation now covers a minority of the working population, with little prospect of any significant return to high levels of unionisation in the near future. Moreover, the efficacy of non-union voice is critical not only to a majority of employees and organisations in the economy, but it can also affect public policy and help address concerns surrounding the growing representation gap. Finally, many of the sectors which dominate the economy do not have a tradition of union representation, including both small to

medium sized enterprises (SMEs) and organisations structured around displaced or outsourced forms of employment.

The analysis in this paper is structured as follows. First, the paper defines non-unionism, which is followed by a consideration of employee voice in this context. The third section presents a ‘sensitising’ framework in order to explore both macro environmental factors and micro organisational influences that can shape the choices made about non-union employee voice arrangements. While environmental factors – such as market pressures and legislative requirements – are important, it is suggested that the organisational dynamics of managerial strategy, occupational identity, and power and influence are equally important determinants that warrant empirical investigation. In the fourth section of the paper, the ways in which these influences may be played out in terms of the various ‘forms’ of non-union is considered, such as union avoidance, ideological hostility and employer choice. Finally, a synthesis of the issues regarding representative voice in non-union workplaces is presented, and a number of future challenges and implications for employers, unions and public policy are highlighted.

### **Non-unionism: what it is and what it is not**

Defining non-unionism is not as straightforward as it might first seem. It does not mean, as is sometimes implied, that there are no trade union members within a firm. Rather, the concept of non-unionism is concerned with an absence of trade

union recognition and collective bargaining (Campling and Gollan, 1999; Dundon and Rollinson, 2004). Thus non-unionism may not mean the complete absence of a trade union, and it does not denote the complete absence of collective-type mechanisms for employee representation. Managers may choose to consult with a union in respect of certain sections of the workforce, while avoiding union recognition for other employees. Managers may also consult with non-union employees via works committees or other similar non-union employee forums, such as European Works Councils (EWCs). Non-unionism thus denotes all other processes of people management where employers do not deal with a trade union that collectively represents the interests of employees, either for all or a substantial part of the workforce.

### **Defining employee voice**

The term employee voice can be imprecise and all-embracing, especially in the non-union context. Bryson (2004:220) defines voice in terms of the possibility of 'two-way communication between management and employees', thus giving employees the opportunity to voice their concerns. However, some would argue that this definition does not imply that employees can influence management decisions (Strauss, 2006). In contrast, Boxall and Purcell (2003:162) define voice as 'a whole variety of processes and structures which enable, and at times empower employees, directly and indirectly, to contribute to decision-making in the firm'. Clearly, an understanding of both 'direct and indirect' methods can include individual and collective mechanisms, regardless of union recognition.

Furthermore, Dundon et al (2004:1149) show that there are other important meanings and interpretations to the term 'employee voice' that are ascribed by different actors in the employment relationship, including senior managers, employees and particularly line managers who have to implement voice at the workplace. From the above we can highlight two issues that are often neglected in much of the existing literature: first, the way employers engage with their employees in the light of increasing external regulation; and second, the linkages between employee voice and notions of employee satisfaction and its perceived effect on organizational performance.

Regarding the articulation of voice in light of regulation, Marchington (2005) suggests this is dependent on how deeply the arrangements are embedded in an organisation. Embeddedness goes beyond the frequency of a set of voice practices or the number of arrangements. Rather, it implies a systematic alignment of the purposes and practices of voice with organisational intent. This is strongly connected to the depth of consultation, both in distributive and integrative terms, and incorporates a broader set of organisational policies. The second issue is the linkage between employee voice, employee satisfaction and its effect on performance. For the most part this is problematic. To begin with, the actual contribution of a voice mechanism to organisational performance or individual satisfaction can be so diffuse it is almost impossible to isolate cause and effect. Importantly, much of the research in this area relies mostly on managerial interpretations of any 'perceived' impact on satisfaction and



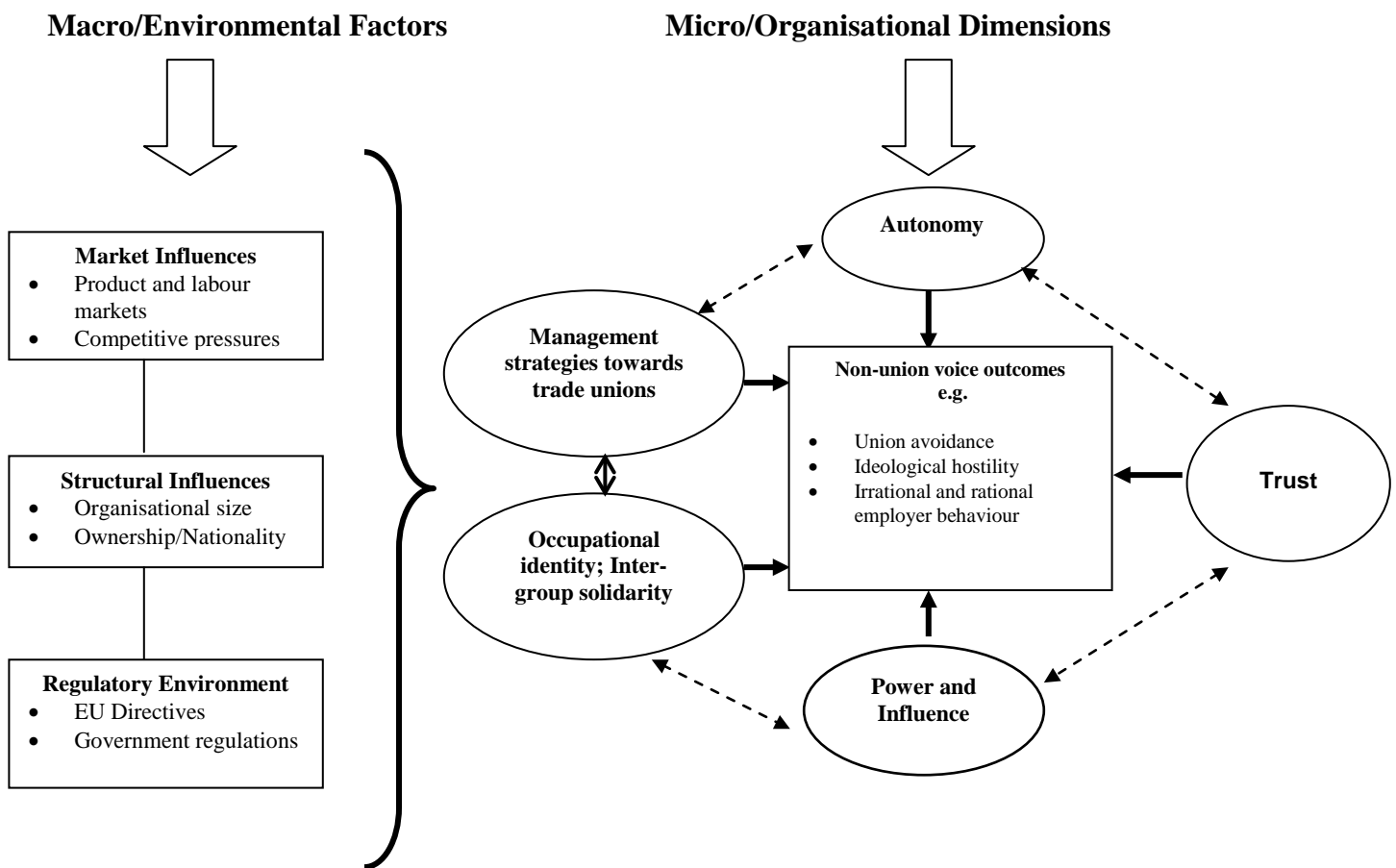
performance (Wilkinson et al, 2004). The issue then becomes how such impact assessments are made and validated. For example, should assessments be made in terms of merely having a voice (i.e. the process), or in terms of how things may be changed due to voice (i.e. the outcomes). Ultimately, in the non-union setting, employee voice has to be contextualised against a broader set of managerial strategies, worker responses and external environmental influences (Ackers et al, 2005). In attempting to map out these broad contextual influences, the next section presents a conceptual framework that seeks to capture the emerging issues that shape the patterns of employee voice in the non-union setting.

### **Re-configuring Non-union Employee Voice: towards a conceptual understanding**

In an attempt to advance our understanding of the interplay between external factors and internal dynamics of non-union employee voice, Figure 1 presents a conceptual map of factors most likely to influence non-union voice arrangements. While the framework depicted in Figure 1 emphasises that external factors can shape voice, it is the actual ‘form’ of voice that is also likely to be dependent upon specific managerial responses. This is an important caveat against the criticisms of environmental determinism as it draws attention towards Child’s (1972) notion of strategic choice. Moreover, the objective is not to debate the *existence* of management choice concerning employee voice but rather the

conditions that enlarge or restrict the form of voice at the workplace (Harney and Dundon, 2006).

**Figure 1: Conceptual Map of Factors Influencing non-union employee voice Outcomes**



**Macro environmental factors**

Macro environmental factors may significantly impact management and union responses to non-union voice. In particular, managerial policy and styles can be strongly affected labour and product **market pressures** (Marchington and

Parker, 1990). For example, market pressures for flexibility and high quality customer service can engender new innovations in employee voice, especially when workers have a direct or front-line contact with customers and management seek to tap into employee ideas for improvement. In addition, **structural factors** such as organisational size and ownership also have an important effect, especially the preferences and styles of owner-managers in SMEs (Harney and Dundon, 2006). Furthermore, the **regulatory environment** for voice, such as EU Directives over information and consultation, may limit or trigger particular channels of employee voice, as recently reported in cases such as Hewlett Packard and B&Q (Dobbins, 2003; Hall, 2003).

### ***Micro organisational dynamics***

#### *Managerial strategies*

In Britain at least, several studies suggest that managerial strategies towards trade unionism play a key part in shaping non-union employee voice arrangements (Kessler et al, 2000; Millward et al, 2000; Wood and Fenton-O'Creevy, 2005). Managerial strategies can be affected by prevailing economic pressures, multi-national and corporate ownership as well as country-specific regulations. The evidence suggests that more effective non-union voice channels are based on managerial strategies that place a premium on high levels of trust between management and employees. Effective employee voice is about affording employees the opportunity to develop their knowledge and skills so that

they can contribute to decisions normally reserved for management and satisfy employer demands for support in organisational change initiatives and productivity enhancement (Gollan, 2005; Gollan, 2006).

For example in the US, Kaufman (2003) has shown that the ‘formalisation’ of voice can provide employers with an opportunity to ‘fine-tune’ managerial messages, which adds a greater degree of legitimacy concerning non-union arrangements with the workforce. Kaufman (2000) alludes to middle managerial barriers, either because of a deficit in the skills and competences to consult, or because line managers have their agendas and vested interests to protect. By skipping the various layers which can filter and distort information, employees and senior managers are able to communicate directly with each other.

However, managerial strategies can often be complex and have a variety of underlying aims and objectives (Storey, 1983). Arguably, employee voice in a non-union setting may serve to consolidate management control and frustrate union recognition (Gall, 2004). Indeed, larger non-union employers are often prepared to devote the requisite time, effort and resources to implementing non-union voice channels as a form of union avoidance; what Flood and Toner (1992) describe as the ‘Catch-22’ face of non-unionism. Furthermore, Broad’s (1994) research into employment relations in a Japanese firm highlighted the point that managerial strategies are subject to counter mobilisation. In this case, a company employee council was used as an alternative voice channel to

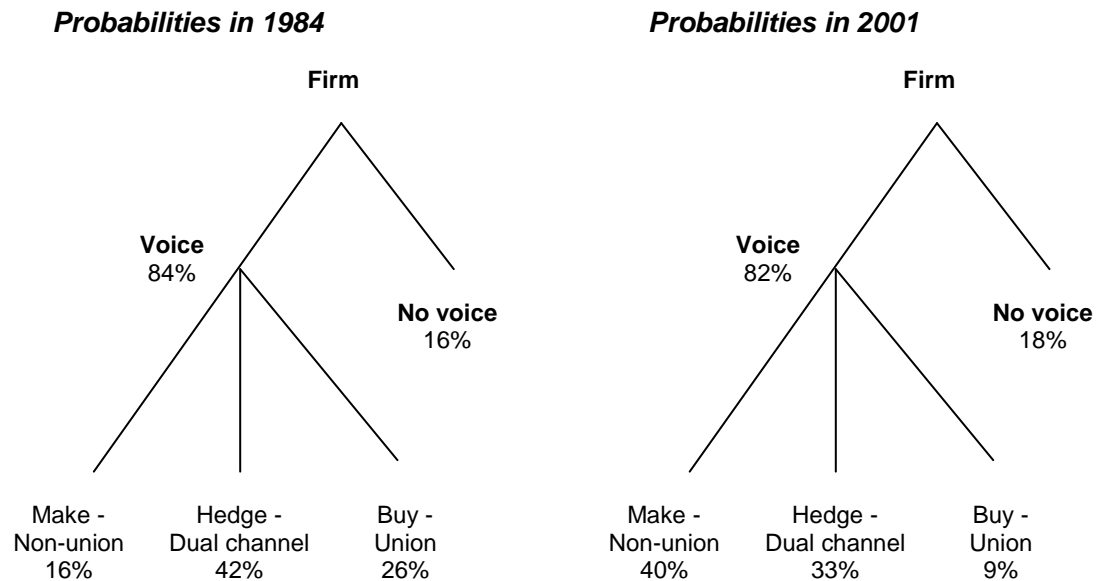
suppress unionisation. When workers realised the mechanism protected management interests over employee concerns, workers eventually supported the idea of unionisation.

Marchington *et al.* (2001) show that the idea of a simple model of management strategies for employee voice can be quite complicated. This is because the interplay between macro and micro-level factors impinges on the choice of voice options. For example, regulatory laws can encourage or force certain strategic options that otherwise would not have taken place (such as a legal requirement for Health and Safety Committees or the establishment of information and consultation arrangements). Research by Willman *et al.* (2003) charts the decline in union-only voice arrangements, with managerial strategies gravitating towards voice arrangements that do not involve unions.

Interestingly, while there has been a substantial change in the type of voice arrangements since the mid-1980s, the proportion of workplaces with 'no voice' has remained relatively stable, even though the forms this can take are likely to vary substantially across workplaces. As can be seen in Figure 2, since the 1980s most workplaces have operated under a dual channel of union and non-union voice; what Willman *et al.* (2003) suggest is a strategy whereby employers 'hedge' the risk associated with a single voice channel by complementing union with non-union voice arrangements. Significantly, throughout the 1990s the decision by employers to 'make' their own specific non-union voice arrangement

increased from 16 to 40 per cent, with a sharp decline in the decision to ‘buy’ union representation (Willman et al, 2003:16). In summary terms, several indicators confirm that management strategies towards trade unions have altered quite substantially the pattern and character of employee voice in British workplaces.

**Figure 2: Voice channel choice in Britain – 1984 and 2001**



Source: Willman et al, 2003:27

*Occupational identity and group solidarity*

Another variable affecting the interplay of voice and management choice is occupational identity and group solidarity. For example, Lewicki and Wietnoff (2000) caution that voice heard through union and non-union employee

representation channels are unlikely to reach their potential, unless the organisation clearly signals the value it places on workers. Evidently, an absence of employee influence or a lack of recognition from management about employee effort can lead to a more militant workforce, as inter-group solidarity is realised as a countervailing source of power against management (Dubin, 1973). Furthermore, there is a great deal of evidence to show that line managers find it necessary to engage in informal dialogue with workers to ensure an efficient level of production (Delbridge 1998). As McKinley and Taylor (1996) show, non-union workgroups can develop a capacity to resist management through team solidarity and workforce cohesiveness. Furthermore, informality at the most micro of levels in an organisation can serve to obscure formal arrangements with close and in some cases personal ties. This suggests that informality may be indicative of individualised voice arrangements which can maintain and even legitimise non-union status, especially within SMEs. Thus the notion of occupational identity and workgroup cohesiveness, once a prominent area of interest among industrial sociologists, remains a potentially potent force in the interplay of factors shaping the pattern and character of non-union forms of employee voice.

### *Power and influence*

Both managerial strategies towards trade union recognition and occupational solidarity are strongly connected to the nature of power and influence at the workplace. Poole (1978) is one of the few theorists to attempt a formal conceptualisation of power. His approach focuses on 'manifest power'. According

to Butler (2005), operationally 'manifest power' can be captured through the development of the dimensions of the 'scope' and 'range' of issues that can be influenced (or controlled) by the representative agency. Scope may be viewed as a gradation of potential involvement ranging from negotiation at one extreme, down to the mere right to information at the other, with consultation occupying the intermediate territory. Range can be seen conceptually as a hierarchy, at the top of which are the traditional areas of managerial prerogative (i.e. investment, job security and the pace of work). The setting of wages is customarily viewed as occupying an intermediate position, while more integrative issues such as training occupy the bottom rungs. Butler (2005) suggests that the intersection of these vectors can be used to provide a broad index of visible or manifest power.

Following from power and influence is a related concept of **autonomy**. In its simplest form, autonomy relates to the sovereignty of the individual or a collective group. While autonomy can be seen simply as freedom from external constraints, Butler (2005) argues that conceptually autonomy can be understood along two dimensions. The first concerns the degree of autonomy a representative structure has in terms of its status (i.e. its constitution) and overall capability to represent the interests of a defined constituency (i.e. employees). Secondly, consideration is given to the autonomy of the processes and representative agents. In short, the sensitising framework in Figure 1 seeks to recognise the autonomy of both the 'process' and of the 'representative agents' as a potentially important source of influence shaping non-union voice arrangements.



## *Trust*

From power and autonomy can flow a degree of trust between employer and employee. Trust has been defined as 'a belief comprising the deliberate intention to render oneself vulnerable to another based on confident positive expectations' (Dietz, 2004:6). The issue of trust has been raised by Beaumont and Hunter (2005: 36) in their research into the processes of workplace representation and consultation. They suggest that the term trust 'is all too often used in a rather vague and general way'. In particular, they argue that too little attention has been paid to the focus of the trust relationship in terms of the trust between whom, the identification of the key determinants of trust, and the extent to which trust exists among representatives involved in the consultation process. In the context of our current discussion, a lack of voice or a perception among employees that their voice arrangements afford little utility, could be interpreted as a sign that management is untrustworthy. To this end Fox (1974) reminds us that trust begets trust, and mistrust begets mistrust.

Beaumont and Hunter's (2005:36) research suggest that trust needs to exist at three levels: between constituents and their representatives; between the representatives directly engaged in the voice process; and between the representatives and the organisation. While all three are important, they particularly emphasise the third – representatives and the larger organisational context. They argue that in practice trust is often damaged at this level, yet is

also increasingly important as individuals (the representative agents) have to deal with each other across the table. From their research Beaumont and Hunter (2005:39) found two types of trust difficulties. One is 'passive resistance' where recommendations arising from consultation tend to get reinterpreted in different ways at different hierarchical levels in the organisation. This can reduce the employee representatives' view of their worth to the consultation process, and thus seriously damages the viability of such arrangements over time. Even where there is a positive process of interaction, uncertainty over recommendations are forwarded into the larger organisational context which further devalues the process. A second trust difficulty is 'strategic shock', where an announcement or decision is considered inconsistent with the arrangements for employee voice, and simply undermines the process; for example, when information is given to the media before being disseminated to employees. Moreover, this conveys a degree of shallowness to voice, as important employment decisions have already been reached without consultation.

These general sets of potential influences depicted in Figure 1, are presented here as an aid to further conceptualisation and analysis of possible non-union employee voice outcomes. In reality factors such as *management attitudes to unionisation*, *occupational solidarity* and *power* and *trust* are all interconnected, and will influence each other. Similarly, a consideration of possible non-union employee voice outcomes can be affected as much by the *structural conditions* facing an organisation as by *market factors*. We are not suggesting here that this

framework is in any way final or definitive. However it does emphasise the need for a more holistic and integrated approach to understanding employee voice in the non-union context. At the centre of Figure 1 are a range of possible outcomes, which are discussed more fully in the next section. The purpose is to capture the different forms of voice arising from the complex interplay of various micro and macro factors.

### **Non-union employee voice outcomes**

The interplay between external factors and internal micro influences – such as managerial objectives for voice or workforce attachment and solidarity – point at times to a contradictory canvas regarding possible voice outcomes. In this section four possible voice patterns (outcomes) are contrasted, each one largely dependent on the interplay between the factors discussed thus far concerning voice arrangements and employer behaviour.

#### ***Union avoidance***

The avoidance of a trade union through various non-union voice arrangements has traditionally been depicted in either/or terms of union ‘suppression’ or union ‘substitution’. On the one hand, companies such as IBM, HP or M&S are cited as exemplars of good human relations that ‘substitute’ the triggers to unionization. At the other end of this simple dichotomy is the sweatshop or exploitative small firm that ‘suppresses’ union demands (McLoughlin & Gourlay, 1994). The significance of suppression and substitution is that such typologies can depict

situations where an organisation can engender a particular non-union voice channel to reduce the likelihood of outside involvement by trade unions, ensuring that voice processes are contained within the organisation. The problem here is that 'either/or' categories of union avoidance tend to oversimplify and polarise practices that are quite diverse. Indeed, there is evidence to suggest that the dimensions that make-up 'substitution' and 'suppression' are not mutually exclusive but can in fact overlap and coexist, even within the same organization (Gall, 2004; Dundon and Rollinson, 2004).

However, the question remains whether non-union voice channels – either via suppression or substitution, or a combination of both – approximate 'voice' more than traditional union structures. Commentators have argued that from a social perspective, the role of non-union employee representatives as bargaining agents may be desirable for power equality or ethical industrial democracy reasons, recognising that the employment relationship is not a 'one-off exchange' but a continuing relationship of unequal interdependence (Hyman, 2005). It is possible therefore that such arrangements are more than substitution and/or the suppression of union triggers, but actually act as a 'complement' to management decision-making (Gall and McKay, 2001; Gollan, 2000; Kaufman, 2000; Taras and Copping, 1998; Terry, 1999; Watling and Snook, 2003). This additional possibility of complementarity contrasted against substitution is summarised in Table 1.

**Table 1: Strategies and objectives of non-union voice arrangements**

Characteristics	Complement	Substitute	
		Conflictual (win-lose)	Mutual (win-win)
<b>Representative interest</b>	Mutual (win-win)	Conflictual (win-lose)	Mutual (win-win)
<b>Process</b>	Co-determination/ Joint Consultation	Representation of employee interests	Co-operation
<b>Power Base</b>	Legally imposed or management initiative	Legally imposed or management initiative	Management initiative
<b>Channel of representation</b>	Dual	Single	Dual
<b>Rights</b>	Information, consultation, co- decision making, limited veto powers	Information, consultation, limited workplace decision-making	Production line information, suggestions schemes, problem identification
<b>Outcomes</b>	Procedural justice	Internalisation of employment relations	Productivity improvement

(adapted from Gollan, 2000: 415)

One notion of a **substitute** is that it serves in place of a union. It assumes employers create an alternative form of employee representation, which employees will prefer to a union. These issues are linked to Ramsay's (1977) notion of cycles of control where consultation is introduced by employers when they feel they are under threat from organised labour, only to discard the arrangement when such a threat is reduced (Marchington, *et al.*1992). Arguably, management pragmatism towards trade union recognition can conceal 'covert' tactics in order to bolster non-union voice as a process of union avoidance (Watling and Snook, 2003:268)

However, as Taras and Kaufman (1999:14) argue in relation to NER (non-union employee representation) arrangements, 'It is no easy substitute for unions, and employers who believe they can use NER for this purpose are seriously deluding themselves'. This is because the interests of the employer may mitigate the interests of the employee, and therefore fail to satisfy employee needs. According to Taras and Kaufman (1999:19), this union substitution function works in two ways. First, at workplace level NER arrangements can be subverted to serve a union avoidance strategy as a captive audience of employees allows management to instil 'anti-union messages' or 'socialise workers to see the world through management eyes'. Second, at a more institutional level, NER neither instils worker activism or mobilization within the context of political action and social change, nor provides the close network of diffusion of such activism from firm to firm.

On the other hand, an entirely different notion is that non-union voice arrangements render traditional union structures as unnecessary, in the sense that they **complement** other high commitment practices, thereby engendering a mutually productive exchange between employer and employee (Gollan and Davis, 1999). This notion is based on the premise that employees do not desire or need a protective agency (since this emphasises the adversarial, distributive element of the employment relationship) because their basic interests are satisfied. In this approach, the purpose of non-union voice is to encourage and foster an alignment of interests between employer and employees. Thus the

alternative scenario is when traditional trade union structures and non-union voice 'complement' each other, dovetailing in terms of form and function, as in the case of German works councils (see Table 1). Chaykowski's (2000) research into the National Joint Council system and Taras' (1997) study of the petroleum industry in Canada would suggest that union and NER arrangements can develop interdependencies, and over time become complementary. As such, they are not directly substitutable because they are situated in separate domains, and interactions between them help each to refine and focus on areas of special competency (Taras and Kaufman, 1999:18).

These debates have raised considerable discussion over the contours of union avoidance. For employees, the outcome can be an inherent disadvantage due to the monopoly power of the employer and lack of a counterbalancing collective voice. For employers, non-union voice may be seen as the better of two evils, giving a degree of involvement in the decision-making process through a non-union forum, while not relinquishing management control to a trade union. Kaufman (2003) further argues that non-union voice structures can be an instrument through which both sides realise a 'win-win' outcome in the employment relationship or positive sum game perspective. Kaufman's (2003:25) research at Delta Air Lines suggests that if the motive and purpose of non-union voice arrangements is to foster cooperative and positive employee relations, then employees can feel satisfied with their jobs and will often express commitment to the company. The by-product of such voice arrangements is that many of the

conditions that lead employees to seek outside representation are not present. However, Taras and Copping's (1998) research into non-union voice arrangements at Imperial Oil in Canada offers a cautionary note. An important finding of their investigation was that the company allowed perceptions of 'worker power and influence to develop', and representatives 'over-estimated their capacity to halt corporate-level initiatives'. Thus union avoidance initiatives can lead to 'widened expectations' which create further frustrations among employees, with a renewed impetus for union representation (Taras and Copping, 1998: 39).

### ***Ideological hostility***

There is also the case that union avoidance – whether based on substitutive voice arrangements or complementary processes – is simply an undercurrent for employer hostility and a managerial distaste of trade unionism (Roy, 1980). Significantly, it is possible that unitarism is becoming even more ubiquitous. Empirical research shows that mechanisms deployed by employers to remain union free are increasingly sophisticated, but also more ruthless. Bacon and Storey (1993), for example, argue that 'management led initiatives' are causing a significant shift in the basis of the employment relationship. In the US also, Logan (2004) has referred to the 'management blitz against unions' during representation elections, while Gall (1998:44) argues that a 'management offensive' has resulted in the decimation of trade union collective power. The



extent of this momentum is evidenced by the proliferation of anti-union management consultants since the 1950s (Gall and McKay, 2001; Logan, 2004).

Ideological hostility to unions can be sustained through socialisation and education that are transferred to specific non-union arrangements. Ideology is, theoretically, linked to a discourse of meanings and symbols which further legitimize managerial action and HR practices at the workplace (Willmott, 1993; Peetz, 2002). Importantly, dominant employer interests can be strengthened through a series of social and cultural mechanisms which produce acceptance, passivity and the consumption of ideas that are designed first and foremost to serve the interests of dominant groups (Gramsci, 1971). Thus for an anti-union ideology to become effective it must become accepted and legitimised as something that is good or neutral; as in the case of non-union voice outcomes suggested by Kaufman (2003) earlier. This holds true for the choices made about voice, in terms of selecting and prioritising certain messages as the basis of a discourse which rationalises the prevailing status quo of non-unionism. Managerial ideologies are therefore not simply produced: they are consumed and reinforced as complex clusters of political power, to which a non-union ideology is but one manifestation that can legitimise managerial choice. Even when more subtly masked by the rhetoric of high commitment management, the reality is that many employers resist unionisation because of their deep-seated ideological hostility to the idea of a collective intermediary. Thus, employer opposition to

union organising may be inherent in the forms of and choices for non-union voice (Hogler and Lajeunesses, 2002:112).

***Irrational and rational employer behaviour: the ‘Catch-22’ face of non-union voice***

Management choice for non-union voice may appear irrational, eschewing for instance a valued and highly trusted channel for representation. Nonetheless, irrational action and intent is also often strategic and purposeful. This notion of irrational strategic employer behaviour resonates with Flood and Toner’s (1997) idea that large non-union employers are plagued by a ‘Catch-22’ situation in avoiding union recognition. This is premised on the hypothesis that the fear of trade unions requires such firms to provide pay and conditions, job security and complaints procedures at least as good as (and often better) than those found in comparable unionised environments. Thus any managerial gains derived from non-unionism are dissipated by the extra cost in providing adequate employee benefits. They go on to argue that non-union status may enable management to secure greater cooperation from employees in making unpopular changes and economies without the threat of industrial action, stoppages, demarcation or other forms of retribution. However, as noted in Board’s (1994) research, exploiting employees or downgrading the package runs the risk those workers will find a trade union more attractive.

More recently, Willman et al (2003) have viewed rational employer behaviour regarding non-union voice in terms of a transactional economics perspective. In particular, they explore the outcomes attached to employee voice in the workplace based on economic utility and the psychological outcomes for employees (also see Freeman and Rogers, 1999). In particular, Willman et al. (2003) see the emergence of different voice arrangements based on a contracting problem: to 'make' voice arrangements internally, or to 'buy' voice from an external third party, such as a trade union or other employee collective association (Willman et al, 2003:3). As part of their analysis they suggest that the probability of union voice is dependent on three variables: employee propensity to join a union; union propensity to organize at a workplace; and the employer's willingness to deal with a union (Willman et al, 2003:3). From this perspective non-union voice has a number of complex and varied outcomes. For example, employees become active around a grievance or set of grievances and seek to join a union. A union may focus its organising activity within a particular workplace or industry and force the employer to recognise a union. Or an employer may preemptively recognise a union by choosing a particular union. They also add that while employer preferences may change due to a number of factors (legislation, union campaigns, employee dissatisfaction, industrial action etc) there is a degree of 'stickiness' to the eventual choice of voice based on the associated cost of switching (Willman et al, 2003:4).

Applying transaction costs economics to employment, as shown in Figure 2 earlier, then the decision to make (own voice) or buy (contract voice) is based on a number of factors: the type of employees, (e.g. possible occupational solidarity); the frequency of the interaction (e.g. voice in terms of information, consultation or bargaining); the nature of regime uncertainty (e.g. permanent or temporary machinery); and finally the extent of voice governance (e.g. perceived effectiveness and value). According to transaction cost economics the more idiosyncratic or unpredictable the voice interaction, the greater the likelihood of the employer 'making' their own non-union voice arrangements. Such a choice will be governed by bounded rationality and trust amongst the parties (Chiles et al, 1996). For example, making voice would require an employer to create employee voice arrangements that are perceived to be legitimate by employees, perhaps buttressed with an ideological discourse, as noted above. In contrast, buying voice would mean subcontracting out to a trade union all aspects of voice provision. Hybrid (or dual) forms of voice with a mixture of union and non-union structures could be established based on the nature of the transaction process (type of employees, frequency and uncertainty) or the behaviour of management (rationality or a perception of risk aversion).

From an employer perspective, the choice of whether to 'buy', 'make' or adopt a 'hybrid' (dual) voice channel will be dependent on a number of influences. Importantly, where risks are high for both the 'make' or 'buy' option, employers may opt for a 'hybrid' channel of union and non-union voice. The 'hybrid' bet is

the highest cost option overall, although the one with the lowest risk. Willman et al (2003:11) suggest that firms wishing to change existing arrangements are more likely to switch from wholly union or wholly non-union to a dual channel, rather than switching from wholly union to wholly non-union single channels (or the reverse). They argue that if one channel is unsatisfactory (because the union is weak or too militant) or too costly (because of the need for in-house personnel specialists), then hedging to a dual channel arrangement is more likely than the abandonment of sunk costs.

However, there are a number of conceptual ambiguities with such modeling. First, it is not entirely satisfactory in explaining why there is the coexistence of different voice mechanisms for apparently very similar transactions (e.g. consultation and bargaining). Second, unions are unlikely to view their role as a sub-contractor selected by management as a way to 'purchase' voice. Indeed, with recent successes in union recognition in Britain, the notion of the buy option may in reality be a forced arrangement on employers given the statutory instrument for union recognition. Third, and as Willman et al (2003:12) point out, the switching of approaches can encourage inertia and uncertainty, as the costs can be greater than the net benefits of maintaining and supporting existing voice arrangements. Fourth, voice is not a heterogeneous process but in fact contains elements of both conflictual and cooperative forms of dialogue. As Freeman and Medoff (1984) highlight, there are integrative and distributive functions to voice, with unions acting both as a bargaining agent affecting the distribution of surplus

value, and as a collective voice capable of raising productivity. In other words, they impact on both the distribution and the size of the surplus. The point is that these two activities can interfere with each other, in that the information shared in raising productivity can be used strategically to increase the share of the surplus, and therefore notions of cooperation and commitment are always fragile and tenuous. Finally, legislative conditions may encourage the adoption of particular voice arrangements regardless of whether an employer's behaviour is deemed rational or irrational, or whether voice is made or purchased.

In summary, the idea of a simple model of employer behaviour, with predictable voice patterns and outcomes, is not so clear cut. As we have noted, there are several factors that impinge on employer options towards the choice of voice arrangements. Regulatory laws may encourage certain behaviours that otherwise would not have taken place, and which have benefited both employees and organisations (Marchington et al, 2001). Other influences may also be at work, such as a particular management ideology which seeks to constrain and inhibit certain options; for example, by excluding trade union involvement in favour of non-union voice arrangements. Employee behaviour and actions may also influence the choice of consultation, particularly when occupational identities lead to strong workforce solidarity. Finally, the organisation's cultural and historical attitude towards employee consultation and representation may also be a significant factor.

## **Conclusion: reconfiguring voice in the non-union content – diversity and complexity**

The literature suggests that the future trend will be an increase in non-unionised workplaces. Many of these will include sophisticated human resource management practices, while many others will be minimalist in allowing employees to have a say on matters that affect them at work. Above all, non-union voice is set to continue to replace the more traditional and collectivist employee relations of the past (Metcalf, 2005). The literature also points to employment relations strategies that emphasize individualised communication with employees and performance-related reward systems strongly promoted by management. Against this trend, however, there remains a dominant collectivist tradition in the public and quasi-public sector.

Nonetheless, our review, albeit limited, has highlighted some implications for employers, unions and government policy regarding employee voice and non-union voice programmes in particular. Of the several potential influences conceptualized in Figure 1, managerial attitudes and strategies to avoid unionisation would appear the most significant. In some quarters this is labelled as ‘stonewalling’ union recognition; in other situations it is sophisticated avoidance (Gall, 2004). Furthermore, among many smaller non-union firms there remain exploitative employment conditions (Dundon, 2002). If British unions are to be stakeholders in and not supplanted by other information and consultation arrangements established under the ICE Regulations, they will need to demonstrate that they are effective conduits of the views of employees who have ‘never’ experienced a unionised relationship, and many of whom are employed in smaller and fragmented organisations, in agency

firms and in temporary and precarious forms of paid work. Flynn *et al.* (2004) argue that a key to such participation will be the active involvement of employees in the democratic decision-making process, and highlight the need for leadership to effectively channel and inform such views for effective impact.

While non-union voice channels can be used as mechanisms for more effective means of communication and consultation, the evidence suggests that their effectiveness as bodies representing the interests of employees in filling the 'representation gap' is questionable (Freeman and Rogers, 1993; Towers, 1997). In an economy of falling union density and a growing climate of 'never-membership', non-union voice approaches are likely to become further embedded and underpinned by a managerial discourse that seeks legitimisation and authority. This is not to suggest that there will be an inexorable shift away from collective employment relations where they exist, as the social relations underpinning the world of work are considerably more complex and uneven than simple predictions would allow.

However, the current ICE Regulations in the UK provide for the possibility of more individualised voice arrangements, even though the intention of the European Information and Consultation Directive was to provide enhanced forms of 'representative' participation. In light of the introduction of these regulations, Sarah Veale, Head of Equality and Employee Rights at the Trade Union Congress, indicated at the 2005 'Voice and Value' conference that workplace information and consultation representatives are likely to start putting items on meeting agendas that might in the past have been regarded as collective grievances and, while these



issues are distinct from collective bargaining, they could well be metamorphosed into bargaining issues (Veale, 2005). From a pragmatic viewpoint, this presents opportunities and could offer unions a renewed role in articulating employee concerns and previously unorganised workplaces. Of course, employee voice under the ICE Regulations is not collective bargaining, and therefore information and consultation might be as good as it gets for the foreseeable future (Veale, 2005).

In this paper we have presented a conceptual and analytical agenda for researchers to critique, test and evaluate the contours of non-union employee voice in a more robust and empirical way. It has been argued that individualised and specific non-union voice arrangements are likely to increase, with a corollary that the single union voice channel has already been replaced with a multiplicity of non-union voice mechanisms for the majority of the working population. It may turn out that both management and employees in non-union workplaces ‘discover’ that there is an important and enduring role for representation at the workplace. However, it remains to be fully tested whether non-union voice is another form of union avoidance based on strategic employer choice, an ideological expression of union hostility, or a new way of liberating workers. The challenge for us and other researchers is to advance our understanding by finding empirically grounded answers to these questions.

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