

WHAT DO NON-UNION EMPLOYEE REPRESENTATIVES DO? A CASE STUDY

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INTRODUCTION

The decline in trade union membership along with management recognition of unions for collective bargaining has drawn increasing interest in non-union representation in the USA (Taras and Kaufman 2006), Australia (Markey 2007) the UK (Gollan 2007), this latter gaining some momentum from the introduction of the EC Directive on Informing and Consulting the workforce (see Storey 2005). To an extent this filled the vacuum of absent workplace trade unionism with employee representatives gaining rights to be consulted when unions are absent or unrecognised although employee representation even within the same workplace may be trade union, non-union or a mixture of both (DTI 2007; Kersley et al. 2006). Recently, on the basis of the workplace employment relations survey, Charlesworth and Terry (2007) have argued that the most effective form of employee representation appears to be a mixture of union and non-union. However this interesting conclusion is drawn without any clear evidence of the role that either of these forms of representation and voice play within the workplace. In practice evidence of day-to-day activities of employee representatives, be they union or non-union remains sparse. This paper attempts to address this gap and draws from a study of non-union employee representatives in a call centre in the finance sector, a company we will call 'Interbank'. An examination of the development of this case will allow exploration of the activities of its officers allows some reflection on the potential long term for such bodies; whether these can be seen as a 'Trojan horse' or 'vehicle for organising' (Cooper and Briggs 2009); as a means of management excluding trade unions (Gall 2005) or the base for the extension of independent employee collective organisation.

The paper starts with a brief account of the development of the employee forum at Interbank. It then attempts to link this with some key elements within the activities of union and non-union employee representatives before examining the representative time data from Interbank.

NATURE OF NER

While there has been consideration of the role of employee representatives analysis of the actual tasks they perform has been rare. This is as true of discussion of traditional trade union representatives, of shop stewards, as much as of non-union representatives. Between the Donovan Report (1968) to the legislation carried by the Labour Government in the mid-1970s, with the expectation of the expansion and formalisation of the role of shop stewards, a number of studies addressed their activities and potential training needs (e.g. Lover 1976; Nicholson 1976; Partridge 1977). Often using diaries they attempted to map the time stewards spent on particular duties. While these recognise the informality of industrial relations and the shop steward role, classically in the research by McCarthy (1966) for the Donovan Commission, that:

“general stewards are talkers rather than writers. They rate formal committee work, including joint consultation, rather low and discussions with members, negotiation and grievance handling, very high. Indeed many stewards mention no aspect of their work other than straightforward negotiating with foremen and managers and discussions with constituents. The main difference between the

job of stewards in general and senior stewards appears to be the obvious one that senior steward spend much more of their time negotiating with higher management.” (McCarthy, 1966 p10)

The activities, certainly of senior stewards, and their relationship to management is presented to be principally as ‘negotiator’ engaged in collective bargaining. Such an approach, despite the recognition of informality, assumes that the nature of interaction can be assumed, drawing from earlier work by Clegg (1961) on trade union officers which attempted such an analysis of shop steward time.

"The most time-consuming duty of stewards is negotiating with foremen and managers. Next come discussions with constituents or other stewards, followed by various formal meetings. The consistency of the pattern is more remarkable than the minor variations from union to union." (Clegg et al, 1961 p180)

However a study carried out in 1966-7, which examines a group of shop stewards from the East Midlands (Goodman & Whittingham 1973) indicates a more ambiguous picture when exploring the actual activities the shop stewards considered most important. Problems of pay and working hours figure highly with some concern with the observance of agreements and time also taken in joint consultation with management. Most significantly for us a slightly more recent study based on twelve weeks of shop steward diaries concludes that stewards are “administrators not negotiators” (Schuller and Robertson 1983), the main time spent with management was in consultation or in individual or group casework (p339). Of course time is also taken in trade union activity, both recruitment and in branch and steward meetings. The Donovan Report (1966) having indicated that the role of the shop steward was more ‘lubricant’ between management and worker, spending time easing friction, rather than promoting conflict there was increasingly influential argument that the formalisation their role and the increased incorporation of shop floor practices into formal agreement meant they were also becoming incorporated as an arm of the management of labour (Hyman 1979).

Recent discussion of non-union employee representatives has begun to raise the same issues. Butler (2009) argues that, and following Ackers et al (1992), as well as seeing NER as in terms of union avoidance they should also be viewed in terms of managerial imperatives around market participation; that we must see the HR objectives in terms of both industrial relations and market imperatives. To an extent this can be reflected in the Department of Trade and Industry review of facilities for employee representatives, which estimates about 350,000 workplace representatives about equally divided between union and non-union representatives, which offers a cost benefit analysis,

“... that workplace representatives bring an identifiable range of benefits worth £476 million - £1,133 million annually, in addition to which there may be significant other gains from increased productivity. The costs to their employers of providing paid time off and facilities ranged between an estimated £407 million to £430.4 million annually.

“Representatives spend large amounts of their own time – estimated to value £115 million annually – on their duties.” (DTI 2007 p9)

Drawing from the 2004 WERS (Kersley et al 2006) the DTI indicate a variation between the activities of union and non-union representatives,

“the survey shows that most representatives spend time on issues relating to terms and conditions, welfare issues such as health and safety and on staff selection and development.

Union representatives were much more likely than non-union representatives to spend time on personal cases such as disputes about individual grievances or disciplinary matters. WERS also suggests that union representatives tended to spend time on a wider range of issues than their non-union counterparts. Union representatives are also involved in the organisation and running of their trade unions.” (DTI 2007 p21)

Clearly one area that distinguishes union and non-union representatives is involvement in purely union activities which does not just mean attending meetings but principally here means also the activity of recruitment which had been the *raison d'être* of shop steward activity. Also it is generally claimed that one of the main differences is that only union representatives engage in collective bargaining with employers, with the main terrain for non-union representatives is the arena of consultation (see Terry 1999). Hyman (1997) argues that the central issues in considering representation are around the autonomy, legitimacy, and efficacy of the representatives and the representative structure. On this the lack of autonomy of non-union representatives, dependent as they tend to be on the direct patronage of management, has often been noted (Lloyd 2001; Terry 1999; Gollan 2007) and legitimacy and efficacy are clearly also problematic.

One problem with the earlier data concerning union employee representatives is that it tends to be drawn from manufacturing and particularly engineering, with perhaps some recognition of the public sector. These, even ignoring the historical character of the data are very different to the finance sector in our case. Adding to this the changes inherent in the greenfield site established in the very end of the 20th century where informal but comprehensive procedures rather than formal agreements characterise the HR practices which shape the employment contract.

METHODOLOGY

The research is drawn from a longitudinal study of the Interbank employee forum from foundation as a telephone and internet bank by a group of managers within the insurance specialist Parent through to the period of the takeover. The first interviews and visit to the main site in 2005 and the final in July 2009 with about eight formal visits. These visits ranged in duration from a few hours to full days. During the visits we have interviewed employee forum officers and members of the HR department, shadowed forum officers on their normal activity, observed consultation, and officers' involvement in a grievance hearing. Often these involve a 'catch-up' on events since our last meeting but also involve structured or semi-structured interview; one interview, with the employee chair of the forum, we used the WERS employee representative questionnaire (WRQ) as the framework for questions. On another six occasions informal discussions were held offsite where researchers were informed about recent events and developments with forum officers. We have also carried out interviews with other interested parties including the local union officer.

Forum officers also gave access to a range of primary data. Since the beginning of 2004 the employee chair, often replaced by other officers, has produced a written 'weekly update' circulated to full and part time officers. This has proved an invaluable source in tracing general activity over a four year period. Also we have access to activities logs which it was decided, by the forum, that each rep should keep. However, perhaps reflecting the conflicts and tensions in this environment, only two of the three full time officers, and none of the part-time officers, keep this formal record of their activities.

"(V) and I actually complete it at the moment. We keep nagging (A) to complete it and the part – part timers, but – but they don't seem to." (employee chair)

However, despite the limitations of this particular source, it also gave us a picture of officer activity to triangulate with the weekly updates and interview material. We have also had access to spreadsheets on involvement in discipline and grievance hearings, training, and external relationship building, which has also been cross referred to the weekly activity update.

ANALYSIS

Table 1 below gives some indication of the categories of activities of at least two of the full time forum officers. The categories are their own and aggregated from monthly breakdown. Given that occasionally (A), the third officer, does contribute, or that one of the other two may not submit, then nothing can be read into such detailed data. However the very attempt to collect detailed data on their activities by the forum, along with the clear resistance of one of the officers, may be indicative of the performance culture at Interbank. The remainder of this section explores these categories through details within the weekly updates produced by the forum officers and from accounts in interview.

	Relationship Building	Relationship Maintenance	Awareness/ Context Setting	Strategy & Planning	Communications	Collective Consultation	Individual Representation
2004/05	114.8	146.3	159.75	371.5	86.5	199	344
2005/06	105	163	341	569	148	162	576
2006/07	127	255	190	462	74	159	458
Monthly							
Average	17.74	29.62	36.96	71.69	15.98	27.97	74.51

Table 1: Hours spent by Forum officers

Relationship Building and Maintenance

The notion of 'relationship' is written into the forums' commitment document. It is clearly consistent with the rhetoric of a company where customer service is referred to as 'relationship development' and where 'conversations' occur but rarely discussions let alone negotiation. It epitomises at least the ideal of social engagement, as one of the reps put it: "If you have a relationship you – you don't – you don't always make an arrangement every month to see your mum."

Much of officer time is consumed in these 'conversations' and meetings with different managers, from the regular meetings with the CEO downwards. The weekly update catalogues the frequency of such meetings, as for example:

"(V) spent a large part of her time, this week, maintaining relationships with various managers, people leaders and departments. So sharing information in regular meetings, with Health and Wellbeing, the Contact Centre people leader ... helps us all, I believe, to understand what is actually happening in the business. From (a forum) point of view this always helps us to explain to (Interbank) people the situations and business decisions." (20th January 2006)

Similar development of 'relationship' can also occur with individuals or organisations outside of Interbank. To an extent the establishment of relationships establishes the legitimacy of the forum and its officers. It is they who have the ear of the CEO, a relationship they seek with all managers.

However there is reason why relationship building is separated from 'maintenance', again, in part, concerning legitimacy. The site suffers from the high level of labour turnover that characterises many call centres. Annual rates at Interbank seeming to vary from around ten to forty per cent dependent on circumstances. Changes in ownership, with consequent rationalisation often with other sites, can also have a major impact on labour

turnover. Of course rationalisation also infers redundancies. Another consequence of this high attrition rate is that promotion into management can be rapid. Given the overall profile of contact centre employees this also means that promotees are likely to be relatively young and inexperienced. The union official, in interview, commented that the HR policies and procedures in place were very good, but problems emerged because of the inexperienced managers, perhaps masking a lack of confidence by an abrupt or even aggressive approach. In contrast the forum officers have long and wide experience, considerably older than the managers let alone average 'Interbank people'. The forum officers, while notionally reporting to HR, are essentially outside of the normal Interbank hierarchy, with a more lengthy and often thorough knowledge of procedures and practices than even the HR Department. A budget for the forum, given by the company but with officers having autonomy to use, has allowed training of officers to build on this experience.

Awareness and Context Setting

'Awareness' has also become an important issue for the forum, both in terms of communication of their existence as well as working as a two way conduit of information between management and 'people'. This it must be remembered where, unlike for workplace unionisation, there is no membership and therefore no recruitment role for the officers. However while there is no recruitment there is still the need to establish a role and identity. The notion of 'membership' itself has caused some discussion amongst officers since their constituency covers all 'people' at Interbank from the CEO through all 'leaders' and managers as well as all other employees across Interbank. Ultimately any talk of 'membership' has been related to the full and part time officers of the forum and development has been to raise common 'awareness' of the forum across Interbank – and hence the relationship building. Further effort has been put in constructing an independent identity to present across the organisation. Initially this was the acquisition of their own symbols – a banner to identify their location in the open plan contact centre and a sweatshirt for forum officers – and holding 'awareness days' where full and part time officers were available in each of the sites to talk to anyone who approaches concerning the activities of the forum as well as, 'context', what was happening within Interbank. As such they acted to pass information down to employees and up to senior management. Clearly, from the accounts in the updates and elsewhere, the officers acted as a sounding board for any strategic ideas.

In 2004 and 2005 the forum carried out surveys, organised by the 'communication' department, across the company to find how 'aware' people of different grades were of the forum and its activities. By 2005 87% of 'people' across Interbank seemed aware of the existence of the forum with, strangely, 89% knowing where to find the officers and how to contact them. 77% said they knew how the forum could support them. These results seem to be based on a response rate of around 10%.

Awareness days continue to be held in a public space on site where all 'people' are likely to pass. Such days appear in the weekly updates with any important outcomes both for awareness of the forum but also as communication. Typically,

"Thanks to all those who were able to participate in the ... awareness day on Wednesday. We had several points raised that we have been able to resolve which makes the days worthwhile. There are one or two that we are still pursuing. Overall, it appears that there is a very good awareness of (the forum); we will need to concentrate more now on what we do and what we have achieved."(April 22nd 2005)

Strategy and Planning

The most important activity of the forum appears 'strategy and planning' but in some ways it is the most ambiguous. This is represented in the use of the 'we', which is used interchangeably to refer to both the company and the forum. Officers in interview will often

refer to what 'we' are doing and it is usually difficult to immediately identify whether they are talking about the strategy of Interbank or of the forum, or even if they differentiate. This category seems to refer to two quite distinct activities; the planning and development of strategy for the forum itself as well as consultation and information concerning Interbank. Part of the reason that this remains so important is the turbulence created by continual change so even when it is concern with specifically forum planning this may be in relation to specific changes, in senior personnel, ownership, or general Interbank strategy or that of changing parent company.

Certainly, from the beginning, considerable time was spent by forum officers to develop independence. The position of full time officer emerged out of two 'sabbaticals' designed to establish the nature and role for an information and consultation body within Interbank with the officers claiming that, at the time, they had the freedom to recommend unionisation; a recommendation that senior managers would have agreed to if they had suggested. While there is some reluctance to give details of the eighteen month period when attempts were made to unionise the site, with final rejection coming from the forum, officers have indicated that they were against a minimisation of their role which may have been reduced to recruitment, a task which, as a forum, they do not have to engage.

Subsequently they have had to attempt an accommodation to almost annual changes in CEO, with each of which promoting a potential crisis in case this also means a withdrawal of patronage – the rejection of chair of the forum and informal chats with employee forum members – and the legitimacy which comes from access. Sometimes this has also involved changes in ownership or strategy of the parent; sometimes Interbank maintained independence and others they have been more integrated. This has sometimes meant engagement with trade unions on other sites where redundancy or some other rationalisation was to occur. Also, at one stage, there where plans to centralise HR within the then parent company with the withdrawal from the Interbank site. This involved major redundancies within HR and the possible expansion of the forum into some of the areas which HR had dealt. This was only resolved in a buy out of Interbank by the current owners who have rationalised elsewhere with the closure of other sites and a redistribution to the main Interbank site.

Communications

While there are some elements of communication involved in other activities – importantly 'awareness' involved two way communication – a feature of Interbank is communication in the form of presentation seemingly to inform of any current changes. To an extent the forum attend to gain information but often in communication sessions they have already been involved in 'discussion' or 'conversation', an example from one weekly update:

"There have been three comms sessions held this week ... outlining the changes to the Technology leadership team. (A) and (I) have attended the meetings that seem to have been well received by those in attendance." (July 14th 2006)

The attendance of forum members and officers itself seems to be intended to legitimate any decisions that are being communicated in these sessions.

Also forum officers have been required to present communication session at the time of important junctures in its existence. At the time of the changes that established the forum with full time officers, its commitments document, and a budget, changes resulted from CEO agreement after communications sessions with senior managers at Interbank.

Not necessarily included in this section, but important to the forum, is that officers also present at regular induction sessions for new staff. While unnecessary for recruitment it establishes 'awareness' amongst new staff.

Collective Consultation

In many respects, and despite this being low in the list of activities, consultation should be the defining activity of the forum. While the initial reason for the establishment of the forum may have been union avoidance, the establishment was also intended to comply with then proposed information and consultation regulation. The forum has been involved in consultation on redundancy and TUPE arrangements. Their 'relationship with managers also facilitate consultation on any development in particular areas or sections of Interbank.

"a local manager thinking about changing shift patterns comes to talk to us about – this is what my plan is, this is what I'm thinking; what do you think about it? Can I have your input on this?" (Forum employee chair)

Consultation also occurs on the range of HR policies and practices. Here the situation appears very similar to that outlined in FinanceCo, where another non-union forum has been established with a full time officer;

"the total corporate portfolio of around 30 HR policies, from whistle-blowing and criminal activities outside work to pensions and aspects of pay, were subject to review on an annual rotating basis by *each* of the councils, the whole process coordinated centrally by HR. ... the final ratification to HR policy is made at the policy forum, a body which affords council representatives access to key decision makers. Underlining the increasingly resource-hungry nature of the consultative apparatus, a recent innovation had been the appointment of an elected full-time representative, seconded for one year, and charged with the task of coordinating the activities of the divisional bodies and the network of representatives." (Butler, 2009 p205)

While the forum do not engage in bargaining the consultation on 'reward' policy may appear to move in that direction with other characteristics of more traditional employment relations. As the weekly update (March 4th 2005) seems to indicate.

"(A) met up with Reward this week. The Flexible benefits package which (Interbank) is considering is up for review with (HR Leaders) ... then the package will go out to wider consultation. (The employee forum) will be included of course. 'Reward' are hoping to launch this in November this year. Feedback was given regarding the Holiday Purchase scheme. The issues arose when (A) discovered that there seemed to be inconsistency with how the process was designed to work, to actually how it was being implemented in the Contact Centre. Reward will investigate. ... During the meeting the subject of overtime in the Contact Centre was raised. Reward feels strongly that is currently excessive given that some Associates are now earning (with bonus included) up to 30K pa. They feel that given as (Interbank) is looking to keep costs "flat" excessive overtime is not in service of the game.... They are looking to question the validity and fairness moving forward, especially since other areas of (Interbank) have apparently "overtime bans" in place."

Recently, after a takeover by a large multinational bank as well as the finance crash, the officers in a group catch-up interview indicated a move to a more formalised approach to relations at Interbank. After the takeover many of the policies were re-examined.

"We were consulted over car policy. The usual thing would be that we got a bunch of us together and we have a conversation outlining the car policy. We go through it and look at what they want to do. What it was was (MultiParent) don't have company cars and are going to have to do something about that. (MultiParent) are not going to manage a fleet. ... So they were going to have to do something to compensate people. So we had that process and we went through it, the decision was made ... we got reasonable change of process for people with cars. But it wasn't really documented and it wasn't minuted and our proposals weren't documented or minuted so there was no record. It turned out to be quite a diplomatic ... well it was a huge thing for more than we initially gave credit for. ... We started to be asked questions "can we see the minutes of those consultations", and we realised then that actually we need to get more formal. So now what we do when we have formal consultations, even formal conversations, every consultation is now minuted. When they make a proposal or counterproposal ... The business given as a response, a

counterproposal, quite often published openly and publicly and folks out there can see the consultations we are having. It is all transparent and they can see the tangible results we get or don't care as the case may be. ... It is not just about being legal and the policy being processed. We want to put a proposal together which is over and above, with a thought out rationale ... And sometimes the business will say "thank you very much but no" or "thank you very much we going to do this" but sometimes "well actually we will adopt that proposal and will act on that and do something different". And because it's minuted, it's documented, it is open and the people will see our proposal going in. We're a lot slicker in the way we do things. Although we still want option base consultation now it could be argued that you slip almost into negotiation."

While relations often remain informal there is also an element of formalisation; one of the officers differentiated between 'informal conversations' and 'formal consultation'. While this may be the impact of dealing with a new management there are also indications of a move towards a 'bargaining' approach. Further examples were outlined,

"The business wanted to buy a decent folks out of their bonus rights and they put a proposal for 6%. We put a counterproposal for 7 1/2 percent with a whole bunch of bells and whistles on it of the four of five tenants that we put forward they went with three including the 7 1/2 percent rather than the six. Now is that negotiation? Is that consultation?"

While they claim that "we would never use the N word" there seems some ambiguity in the activity that the officers are engaged in.

Individual Representation

The most time consuming activity for the forum officers was in individual casework, work around discipline and grievance procedure. In exploring this we have access to a database created by the officers which covers their activity in this area in the period 2004 to March 2007. To an extent this can be cross referenced with the more anecdotal reference to casework as outlined in the weekly updates. Within the discipline and grievance procedure, which allows for enquiry by a manager, forum officers, usually full timers, sit in on disciplinary hearings along with managers and a representative from HR. They do not seem to play any sort of adversary role, as might be expected of a trade union officer, but to monitor fairness. Considerable time might, however, be taken before and outside the hearing itself in giving assistance or guidance on procedure and preparation.

The database includes probation reviews (seemingly where there is some question concerning fulfilment or extension) misconduct and gross misconduct. It records 125 hearings although a few cases may be replicated as several hearings may be held:

	Hearings	Appeals
2004	30	10
2005	33	5
2006	50	16

2007 (Jan-March) 12

Table 2: Disciplinary Hearings Attended by Forum Officers

The cases cover a wide range of what might be expected in any workplace, especially where age profile is for younger workers, but some offences relate specifically to financial and contact centres. In most cases a local manager from outside of the department of the offender holds a hearing, considers evidence, and comes to a decision.

Of the issues in the probation review and minor misconduct there are incidents of poor performance and excessive sickness or lateness, with some indication that sickness absence has been inappropriately used. In one case it is clear that an employee, also a University student, had been on sick leave but seen to be attending classes. One case

involves an employee getting drunk and hitting a colleague but, since it was out of work time and not during a work related event they were given a written warning. Another employee was charged with gross misconduct over 'attitude' problems, considered as unmanageable. They were given a first written warning. Incidents of racial or sexist abuse, when they could be substantiated, also received written warning. Some offences involve e-mail or internet usage and abuse, in some cases seemingly involving accessing accounts. More direct fraud seems to have occurred, with employees accessing accounts or unauthorised use of systems, miss-selling of products, and in most cases resulting in dismissal. A few offences are directly related to the nature of a contact centre, with employees also disciplined for call avoidance or rudeness to customers.

So far, it appears, forum officers have never taken their role further and, if advocacy is required, have directed 'people' to union representatives. The union officer claimed that problems of autonomy might appear if the forum officers were involved if a case progressed to external tribunal. However the forum has not taken this adversarial role internally so it would be a major change in strategy and approach for it to do so.

CONCLUSIONS

The employee forum clearly lacks autonomy in that its existence is dependent on the patronage of senior management at Interbank, providing the budget which supports the salary cost of three full time officers and lesser time for other members as well as training and other costs. Each change of CEO, therefore, does cause some anxieties until – as it has so far – the new incumbent agrees to continue this support which also involves acting as chair of the forum. While the day-to-day activities are left to employee representatives, and particularly the employee chair and the two other full time officers, this is a symbolic presence in the regular informal consultation. This notionally quarterly consultation may be the limit of activity in many other establishments with non-union consultation arrangements. However with Interbank, which provides all other facility, gives opportunity to examine both why management might make this provision and also whether, with this facility, it is in any way comparable to workplace employee representation and voice. Even in this there may not be too much disparity with unionised workplaces where salary costs for full time representatives, as well as any facilities, are ultimately dependent on agreement with employer even when bound in historic agreement.

By exploring the activities of forum officers we opened two sets of interrelated questions. Firstly why should management support the employee forum, and to what extent it is proxy or nascent trade unionism. In supporting the establishment of the forum are management excluding unionisation or are they, paradoxically, supporting the very conditions for the unionisation? It is clear in the case of Interbank that the explicit employment relations objective initially pursued by management was union exclusion (Gall 2005). Seeing the union knocking on the door for recognition they promoted the establishment of the forum. However there were two outcomes. Firstly it is clear that management found further employment relations, and market criteria (Butler 2009) reasons for support. Where in the past the very process of collective bargaining may have given the legitimacy to procedural and substantive agreement between employer and employee (Flanders 1970) then it appears that the legitimacy of the plethora of policies and practices at Interbank is given by the involvement of forum officers. While a certain amount of legitimacy for their position may be given by officer election, the main reason for it appears that in one clear sense they are not representative (see Hyman 1997). The three officers are outside of the organisational, let alone management, hierarchy and career structure. All three individuals have been at Interbank through its turbulent history building an organisational knowledge as well as employment relations experience. The independence – but not autonomy – of the incumbents also makes them a preferred two way conduit between management and 'people'. What arguments which see non-union representation purely in terms of union

exclusion ignore, therefore, is that the representatives themselves are actors within the process. It may be that some are management lackeys following the dictates and bidding of senior management but others may shape the role to create more independent action. Past research has shown that there are very different ways in which shop stewards have shaped their role and relationship with management (Batstone et al 1979) so it should not be a surprise that the same may be true of non-union representatives. If there is one factor that seems to drive the actions of the officers it appears an attempt to seek justice in the workplace (see Kelly 1998).

While there may be some differences in the way that forum officers carry out their duties it is difficult to clearly differentiate the tasks actually performed from those which may be expected of a workplace trade union representative. Clearly, if there is no collective bargaining, we cannot expect non-union employee representatives to engage in it. However their engagement in the process of consultation on both the reward and other policies moves them at least to the boundaries of bargaining. It is certainly not clear, however, whether we might see this as nascent unionism or union avoidance. In performing a consultative and legitimating role within the framing of policies and practices the forum are engaged in a necessary role supported by management; perhaps no different to trade unions policing the agreements which they sign. It is reasonably clear that management, recognising the necessary role performed by the forum as proxy union, prefer to deal with these insiders rather than external union officers. Again this is similar to the 1960s experience of shop stewards (McCarthy 1966). The very existence of the non-union forums, and its expansion into areas beyond immediate information and consultation, in a paradoxical way proves the necessity of unionisation. The issue still remains whether this, or similar, bodies can be transformed into an autonomous union representation – a new unionism for the new economy, would complement or form the basis for some unionisation beyond individual workplaces, will be swept away in the re-emergence of authentic unionism, or become a major barrier to independent employee organisation.

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