

Non-union employee representation, union avoidance and the managerial agenda

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Introduction

With the decline in union membership and representation coverage, increased attention has switched to the study of alternative, non-union forms of employee representation (NER). Despite, and because of the decline in indirect union voice, a research focus has grown in the area of analysing motivations for and structures of indirect non-union employee representation (Willman *et al.* 2006; Purcell and Georgiadis, 2007; Marginson *et al.* 2010). Essentially, NERs are employer sponsored bodies of formally organised employee voice. In terms of structure, this incorporates a variety of diffuse formats and there is typically considerable variation in the precise structure and level at which they function. As outlined below, two rather different streams of thought have emerged on the subject of NERs: NERs as simply a union avoidance tactic and NERs as part of a sophisticated HR stratagem to deliver employee voice in the context of building a mutual gains work environment. Thus, the core concerns of this paper are to address the following questions: First, how effective is an NER in undermining employee support for trade union recognition in the context of a union organising campaign? And second, can such an NER, founded on the initial premise of union avoidance, 'transform' into a means of achieving mutual gains? In considering these questions, the article draws upon a case study of a British multinational and its efforts to introduce an NER in combating a robust trade union campaign for recognition in the Republic of Ireland and, in turn, subsequently foster a high-trust union-free environment. The article is laid out in four sections. Section Two elaborates on the relevant literature themes. Section Three outlines an overview of the research method. This is followed by background information on the case study organisation before moving on to present the findings. Finally, the concluding section discusses the main lessons to be drawn from the study, raising their implications for understanding NERs in the context of union substitution more generally.

Literature Review

Essentially, NERs are employer sponsored bodies of formally organised indirect employee voice. In terms of structure, they tend to incorporate a multiplicity of diverse formats, with significant differences in the precise structure and level at which they operate (Charlwood and Terry, 2007). Some NERs, for example, will involve a 'hybrid' of union and non-union representatives, whilst others will adopt a 'pure' anatomy with unions entirely excluded (Charlwood and Terry, 2007: 323-324). Whilst NERs arrangements are likely to be found in a number of diverse forms, Gollan (2000) has identified five common elements. First, membership of representative committees is restricted to employees in the organisation. Second, there are only limited formal linkages to outside trade unions, external employee representative organisations, or none at all. Third, the firm provides resources to support the employee representative organisation. Fourth, there is a representation of employees' interests or agency function, as opposed to the more direct forms of individual participation and involvement. Finally, such structures represent all employees at the establishment or workplace level.

Generally, the literature provides two broad interpretations of NERs. The dominant approach has been to characterise NERs as little more than sophisticated union avoidance institutions. Recently efforts have emerged which attempt to move beyond the substitution thesis, often emphasising that managerial strategies can be quite complex and underscored by a variety of

aims and objectives than mere union avoidance (Dundon and Gollan, 2007; Butler, 2009a; 2009b). The foundations to both these approaches will now be elaborated.

NERs have been treated with an enduring scepticism amongst many Anglophone scholars of employment relations, who tend to conceive them as an assault upon independent employee voice, empowerment and workplace justice (Upchurch *et al.* 2006). A range of studies have illustrated how NERs are frequently used in the midst of union organising campaigns (Peetz, 2002; Gall, 2004). According to this interpretation, NERs are introduced to supplant the union role by showing that it is unnecessary through offering mechanisms for resolving grievances and giving expression to employee voice. This 'replacement' or 'substitution' thesis has a long tradition in employment relations research more general. For example, in a now classic study, Bain (1970: 131-132) cast NERs as a vehicle whereby employers 'peacefully compete' with unions for the loyalty of employees. Roy (1980) illustrated how NERs served as a recurring fixture in the web of defences deployed by employers combating union organizing campaigns in the United States. In his study NERs featured as a form of 'sweet stuff', whereby employers' affected a 'pluralist' architecture to dissipate employee demands for independent union representation. Theoretically this idea resonates with Ramsay's (1977) 'cycles of control' thesis. Here, consultation is introduced by employers when they feel they are under threat from organized labour, but readily discard the arrangement once such a challenge recedes. Contemporary studies have continued in this vein. For authors like Kelly (1996) and Danford *et al.* (2005; 2009), NERs are merely a means through which management can maintain their non-union status or, in cases of weakened or de-recognised unions, consolidate the shift to non-unionism.

There is a strong body of international evidence supporting this interpretation. In four UK cases studied by Dundon (2002: 8) for example, "management derecognised the trade unions, but in place they promoted their own form of employee involvement: company councils and semi-autonomous work teams". In two others, "a series of worker participation schemes were implemented to counter claims for collective representation" (Dundon, 2002: 8). Similarly, Gall and McKay (2001) observed that employer resistance to union organising in the UK was marked by a recurring trend to formalise and institutionalise non-unionism by establishing 'consultative' and 'representative' forums, where staff issues and grievance could be dealt with. While such institutions in non-union settings have a relatively low incidence in the UK (Kersley *et al.* 2005), they appeared to be fairly common in situations where the employer opposes a recognition campaign (Gall 2004). In a study of Irish employer opposition to trade union recognition, D'Art and Turner (2005: 130) observed that the creation of NERs was the second most typical response used by companies after 'captive audience'-type discouragements of union membership (see also Peetz, 2002 for Australian evidence; Logan, 2004, for evidence from the US).

In this context, NERs are found to be deficient, providing little else than 'cosmetic' (Terry, 1999) or 'symbolic' (Wills, 2000) offerings of employee voice and functioning as a poor cousin to union-based bargaining (Lloyd, 2001; Watling and Snook, 2001; Gollan, 2006). Within Broad's (1994) study of "DenkiCo" for instance, although numerous issues around the organisation of work, single status and planning were formally tabled, the council habitually failed to bring any influence to bear. Lloyd's (2001) study of "Aeroparts" observed changes to shift patterns and the distribution of overtime which were unilaterally forced through by management (Lloyd, 2001: 322). Much of the data is demonstrative of an absence of institutional distance between delegates and their managerial sponsors, amid concerns that representatives are commonly 'in the pockets of management' (Watling and Snook, 2001: 8). Ultimately such outcomes have been traced back to notions of power and independence (Gollan, 2002; Butler, 2005). Put

simply NERs are seen to lack both; they typically do not have recourse to legal or union-based sanctions and as employer-sponsored structures, are, ultimately, interpreted as quisling bodies with little meaningful autonomy.

However a different line has emerged in recent times, suggesting that only partial insights are gleaned from those accounts which too readily dismiss NERs as bulwarks against trade unionism. This line has argued that while union-avoidance NERs may trigger such bodies, employers may come to later imbue them with other functionalities which, potentially at least, may serve positive functions for workers (Taras and Kaufman, 2006; Dundon and Gollan, 2007; Butler, 2009a; 2009b). As Gollan (2006) has argued, managerial strategies towards NERs can often be about delivering an effective employee voice that affords employees the opportunity to develop their knowledge and skills and enabling them to contribute to decisions normally reserved for management. In the US, Kaufman (2003) has outlined how the formalisation of voice through NER structures can provide employers with an opportunity to fine-tune managerial messages, which adds a greater degree of legitimacy concerning the non-union arrangements across the workforce. This reflects the argument that non-union employee voice can serve multiple purposes and objectives (Dundon *et al.* 2004).

A component of this argument is the awareness that NERs, imbued with the singular logic of combating union organizing drives, will prove potentially self-defeating when not aligned to wider HR policies and practices (Pun *et al.* 2001; Taras and Kaufman, 2006). Indeed this resonates with the advice of the union-avoidance consultant (Levitt and Conrow, 1993; Mooney, 2005). That is, if employers allow the NER to simply fall into disuse when the union threat subsides, they risk a return to conflagration in the future. Empirical evidence suggests that unless non-union forums work satisfactorily for employees, they can readily switch their allegiances to trade unionism (Dundon *et al.* 2005; Taras and Chapman, 1999). Thus for employers there may be an imperative to see the NER move beyond the initial remit of union avoidance to incorporate a transformative, positive-sum program. The spectre of unionisation may be enough to initiate a 'renaissance', whereby avoidance co-joins with the softer rationales of fostering cooperation, morale building and maximising unity of interest. Accordingly, the NER may outgrow its initial "socially pernicious" impulses and evolve into a body that delivers transformative positive-sum outcomes (Taras and Kaufman, 2006: 531).

Thus, this paper seeks to further inform the literature and address the kinds of concerns outlined above by engaging with research questions such as how effective is a NER in undermining employee support for trade union recognition in the context of a union organising campaign?; and can such an NER, founded on the initial premise of union avoidance, 'transform' into a 'positive-sum' body? In addressing these questions, this paper will draw upon a case study of NERs operating in a multinational based in Ireland, the details of which are outlined in the next section.

Methodology

The case study is derived from a larger research project examining the comparative effects of the EU's Information and Consultation Directive in the Republic of Ireland and Northern Ireland in cross-border organisations. *BritCo* is a former UK state-owned enterprise, privatised under the Thatcher government in the 1980s. In 2000, *BritCo* acquired an indigenous company in the Republic of Ireland, becoming the second largest in its sector in the country. In 2005, the *BritCo* business in the Republic merged with the existing Northern Ireland group, forming *BritCo Ireland*. It currently employs approximately 3000 staff on the island of Ireland with about 2000 in the Republic and a further 1000 in the North. While the business operates on an all-island basis, the company's human resource approach is fundamentally different across the two jurisdictions.

In Northern Ireland for example, *BritCo Ireland* is heavily unionized, recognizing two trade unions – one for engineers and call-centre staff and one for management. This is an inherited legacy of the company’s public sector past. In the Republic however, where this case study is based, *BritCo*’s business acquisitions were in the non-union sector and the company, in spite of the merger with the unionized North, has actively promoted a non-union relationship.

In this case, the field research had access to all levels of the firm, from top management down. Our study incorporated a longitudinal component, allowing the case to be studied over a reasonably lengthy two-year period. This involved repeat visits and numerous follow-up discussions with key organisational stakeholders. An assortment of primary and secondary data collection methods was used. The findings are based largely on semi-structured interviews (lasting between one and three hours) with all levels of management (including the Chief Executive Director and Human Resources Director of *BritCo Ireland*), union officials, non-union representatives, shop stewards, as well as shorter interviews (up to one hour) with samples of employees. These amounted to twenty-six interviewees over a two-year period. In total the interviewees were comprised of six managers, three union officials, four non-union representatives, and thirteen employees from various operational levels of the company. All interviews were taped and transcribed. Finally, secondary methods consisted of extensive internal (company/union) and external archival and documentary material, derived over two years.

Findings

In terms of the initial triggers for the recognition campaign, a number of grievances existed amongst employees at *BritCo Ireland* in the Republic. The actual merger of *BritCo* on an all-Ireland basis in 2005 had a negative impact on the employee relations culture in the Republic. A number of departments in the Republic were either shut down or moved to Northern Ireland, often with little or no communication from senior management. Fears of potential redundancy appeared to be common amongst workers at the time. This was compounded by the fact that redundancy terms appeared to be low by industry standard and was behind those offered by *BritCo Ireland* in the North. In particular, in Northern Ireland, there was a “no compulsory redundancy” agreement dating back to *BritCo*’s UK public ownership days. Also a number of wholesale changes occurred in work practices (new performance management systems and alterations to engineers’ usage of company vehicles) which were introduced unilaterally by management. Furthermore, *BritCo Ireland* management had been unwilling to disclose the salary range to employees in the company, rather there was vague discourse of “job families” but individual workers were not told where they were on the individual band.

Management changes were also being made to the company car scheme in the Dublin South facility. Many engineers at this site lost access to company cars, or had to change company cars for vans, or in some cases, went from a fully expensed company car to an allowance. A perception existed that the changes had been introduced in a ‘heavy handed’ and ‘autocratic’ manner. In hindsight, management acknowledged that the exchange would have had a depreciating effect on employee morale more generally. Yet even though individual grievances did exist, these tended to be underscored by a more general sense of injustice revolving around *BritCo Ireland* employees lacking union recognition rights in the Republic in comparison to the arrangement in Northern Ireland. A perception existed amongst employees in the Republic that Northern Irish staff experienced superior terms and conditions of employment because of this, particularly on issues like redundancy pay, time-off and benefits.

With these background factors in mind, the impetus for the contact with the union came from a small, but vibrant group of engineers amongst the company's workforce in Dublin South. These individuals had been members of the union for some years prior to the organizing campaign; in some cases being former employees of the indigenous, unionised market leader *IrishCo* but having left to join *BritCo Ireland* whilst still retaining their membership of the union. Whilst membership density did not constitute a majority of *BritCo Ireland* employees (estimated by union officials at around 30%), there were a number of areas within the company where support for the union grew strongly, notably in the Dublin South facility but also amongst call centre service employees in Central Offices. Yet efforts by the union to have members' concerns addressed at local-level proved fruitless. *BritCo Ireland's* opposition to recognition was shaped by two factors. The first was based on a presumption that recognition would affect the company's capacity to operate on a cost basis revolving around price and flexibility. The second rationale given for opposition by *BritCo Ireland's* Chief Executive was that it was believed the union had an interest in the success of *Britco's* main Irish competitor.

Consequently specific issues of concern were advanced to the Labour Relations Commission (LRC) under the Irish legislation for dealing with collective disputes in non-unionised firms. Management participated at this meeting, principally because they "knew [recognition] wasn't going to be forced on [the company]" (HR Manager, *BritCo Ireland*). At the meeting, the LRC advised the company to take measures to ensure that their disciplinary and grievance procedures were in line with recommended Codes of Practice, by inserting a provision for individual union representation. However on a range of other issues raised by the union, progress was negligible in the face of strong managerial intransigence.

In these instances, the union contemplated opting to advance a case under the statutory leg of the Right to Bargain provisions, however this course of action was ruled out in light of a National Supreme Court ruling. In any case, members at *BritCo Ireland* were keen to push for full-blown recognition rights, something precluded under the Right to Bargain clause. Consequently, the union adopted a highly public campaign strategy designed to pressurize the company into negotiations. Billboard advertisements around Dublin city centre were rented, as well as a number of ad-mobiles displaying the message: 'Disconnect Discrimination'. The crux of the union's publicity campaign portrayed *BritCo* as being 'anti-Irish':

BritCo is being run on an 'all-island' basis, and therefore should treat its staff in the Republic no less favourably than staff in Northern Ireland...It seems under the *BritCo* business model they will treat all of their customers the same but discriminate against you if you work for them in the Republic of Ireland. We now have the ridiculous situation that if you are one inch on one side of the border *BritCo* will recognise your right to be represented by a Union but if you are an inch on the other side of the border it will discriminate against you.

(President, Union)

Furthermore, the Chief Executive of *BritCo Ireland* received over 4,000 emails requesting union recognition for collective bargaining purposes. Whilst union members were in favouring of balloting for industrial action, the union advised in favour of a one day, lunchtime protest, the rationale being:

We were trying to present ourselves in a way that could show *BritCo* that they could do business with us. We didn't want to interfere with, or damage, their business and we didn't want to be seen as a so-called *IrishCo* union shuts down *IrishCo's* main competitor. It was more a case of this is what we are capable of – "will you now talk to us?"

(Head of Organising, Union)

The Management Response: ‘BritCo Vocal’ and the ‘Southern Works Committee’

As the organising campaign began to develop momentum in *BritCo Ireland* a hitherto inoperative ‘Information and Consultation forum’ was, as the union organiser put it, “taken down from a dusty shelf” and strongly promoted by management. This forum had initially come into place in 2005 in preparation of the *Provision of Employee (Information and Consultation) Act 2006* in the Republic, and was to take meet every three months. As a vehicle for employee voice, the pre-2007 forum was acknowledged by management to be largely ineffective, with no coherent system of appointing employee representatives and with discussion being kept to a minimum:

It wasn’t a comfortable, open forum. It was more this is what we are going to talk about, and hopefully no one will ask any questions. Essentially the previous chief executive gave a financial outline of how the company was doing and that was it.
(Human Resource Manager, *BritCo Ireland*)

Meetings became so infrequent that the forum had effectively become defunct by the start of 2007. However, the new forum re-labelled ‘*BritCo Vocal*’ in the summer of 2007 was promoted far more vigorously by management, meeting every four weeks instead of at the end of every three months. As such it was perceived to offer a “robust defence” against the union, not just by exploiting opportunities available in the Right to Bargain legislation, but also, as the Chief Executive put it, to help “combat how vocal the union was”. Similarly acknowledged by the Human Resource Director of the *BritCo Ireland*:

The information and consultation forum was in place before we received advances from the union, but when we rebranded to *Vocal* there was certainly a little bit more noise in the system. So we enhanced the relationship, because if we got that right, we felt employees wouldn’t see the need for a third-party.
(Human Resource Director, *BritCo Ireland*)

Whereas no coherent electoral system existed for the previous forum, under *BritCo Vocal* employee representatives were chosen through election, with typically one representative per 100 employees. Electoral constituencies were designed to allow for each business area to have one representative, although the engineering and call centre section of the business were allowed to elect three representatives as over 300 people were employed in that section. Employees could either self-nominate, or be sponsored by colleagues. Where more than one representative came forward an election would take place. Whereas the previous forum was little more than a presentation by the Chief Executive Director on the financial performance of the company, *BritCo Vocal* meetings were more substantial and inclusive, beginning with the Human Resource Director outlining current developments in the company, followed by a financial and market update by the Chief Executive Director, with the remainder of the meeting set aside for employee representatives to raise pertinent issues and discuss matters of concern.

Yet although the initial agenda driving *Vocal* was to undermine employee support for unionization, the forum was also seen as part of a wider strategy of employee relations reform within the company, much of which was articulated through the soft Human Resource Management discourse of developing employee commitment:

We wanted to do it as part of our own employee relations plan, to create a more progressive and more functional forum. We wanted to create a new terms of reference that was more evolved.
(Human Resource Director, *BritCo Ireland*)

Much of this reform program in the Republic was spearheaded by the arrival of the incumbent Chief Executive Director in the spring of 2007 who appeared committed to largely 'unitarist' notions of employee voice and involvement:

Employee representation and engagement is necessary. Employees have great ideas; I believe that the monopoly of good ideas isn't all at management level.
(Chief Executive Director, *BritCo Ireland*)

Parallel to *Vocal*, a weekly 'all hands update calls' was also introduced whereby the Chief Executive makes a 'telephone call' to all employee on company developments. Employees may listen and even respond to the Chief Executive when this takes place (although in practice, employees responding to the Director never happens). Regular web chats and Chief Executive written blogs, alongside a Friday newsletter were also developed.

Yet *Vocal* was not the only NER deployed by management. It became apparent in its first months of operation that the forum was being overrun with Dublin South issues and thus undermining the effectiveness of *Vocal* in terms of addressing about other business sections concerns and in helping to maintain a more positive agenda and less fractious meetings. Further, as the Head of Union Organising at the Union explained:

Management weren't satisfied that they had curbed the union in Dublin South with *BritCo Vocal*, so they set up the 'Southern Works Committee' to try and emasculate our presence, because it was clear that we had the considerable support of staff there.

Specifically it was hoped that the Southern Works Committee (SWC) would address one of the main sources of contention amongst staff in Dublin South – the changes to policy on company cars. As with *Vocal*, representatives were elected from each relevant constituency – in this case, Dublin South, Central Office Call Centre Staff and District A (the greater Dublin area) and District B (the rest of the country). A rotating representative from *Vocal* also sat on the forum, as did three senior managers. The forum agreed to meet once a month.

Notably, the Union's attitude to both forums appears to have been relatively neutral. According to the organizers, members were "neither encouraged to engage with the forums, but neither where they told to disengage". Union policy was that they have no problem with NERs per se and indeed point to the fact that many companies with whom they have a bargaining relationship deploy such forums. Rather, they proposed that the NERs should not be confused with the principal union role and function of collective bargaining, as *BritCo Ireland* management portrayed it. In the context of management introducing the two forums, the union sought to play a background role - assisting forum representatives with advice and guidance on how to deal with particular issues as they arose. As such:

The union would have presented that guidance to them on the basis that they know how limited the forum is. We wouldn't have said to them to go in there and bang the table and wag your finger at them because that's not realistic and wouldn't be fair to send someone into that forum armed in that way. At members meeting the idea was suggested that the guys come off the forums...however it was felt that it was better for them to be in there because at least they know what management are up to.
(Head of Organising, Union)

From union avoidance to mutual gains?

In the latter half of 2007, *Vocal* was the principal vehicle through which management attempted to tackle the underlying sources of employee discontent at *BritCo Ireland*. There was, as

management respondents admitted, a calculated attempt to resolve issues which had fanned support for trade union recognition. This strategy of substitution was exemplified by the enthusiastic promotion of the forum, by an internal company document, as a 'positive force for change' in the organisation. As one employee representative put it, management portrayed *Vocal* as a means by which employees could "really go about changing things and shaping policy".

In these early stages, there is evidence to suggest that such managerial messages were consistent with actual organisational outcomes. For example one of the first matters raised by employee representatives was the widespread concern over potential redundancy payment on offer at *BritCo Ireland*. Generally, many staff in the Republic had felt the extant offering was low, not just by industry standards, but also in comparison to practice in Northern Ireland. Through *Vocal*, management explained that the terms on presented in the company handbook had simply been replicated from the original Irish company prior to the takeover. Terms were low, it was advanced, because as a relatively young company, staff would typically not have held long service. Management conceded that the handbook should be re-written by the human resource department in consultations with the employee representatives on the forum. Furthermore employee representatives were given a month to review the final handbook through holding meetings with their constituencies on any pertinent issues which arose. The outcome from this process was that aspects of the Northern Irish redundancy program were introduced into the Republic; principally the practice of a redundancy pool wherein employees at risk of losing their jobs are given eight weeks to secure a new position and/or project in the company. Management however refused to extend the "No Compulsory Redundancy" agreement which it had in the UK, and consequently Northern Ireland, to the Republic of Ireland. Despite this, representatives and employees interviewed across *BritCo Ireland* expressed satisfaction with the manner in which this issue was addressed through *Vocal* and the subsequent outcome.

Yet *Vocal* was found to be less satisfactory when employee representatives sought some solution to the non-disclosure of salary scales. Through the forum, management outlined to staff their unwillingness to a change of practice on this matter, claiming that widespread disclosure of sensitive information might be passed onto competitors. In an effort to address employee concern over the issues, management offered to post a confidential sheet to individual employees, outlining their particular roll code, job family and the associated benchmarked pay range. Employees would then individually receive a letter annually updating them on it. This however proved to be largely unsatisfactory to staff who regarded managements' secrecy on the matter to be, as one employee representative put it, "very much cloak and dagger" and lacking in transparency.

This outcome is pointed in other ways. Employee representatives have felt that once management attempted to redress underlying issues prompting union demand at the company, the range and scope of issues appearing at *Vocal* substantially narrowed. Attempts at raising other substantive issues have been claimed by representatives to be either written off the agenda or glossed over by management in meetings. Analogous to this has been that initial promises of robust involvement in policy making matters became steadily confined to the management of facilities type issues. Progressively the forum took on a character of being a vessel for the downward communication of information from the senior management. Whilst employee representatives and employees would concede that the provision and amount of information is good and a significant improvement on pre-recognition dispute experiences under, the limitations of *Vocal* as a vehicle for addressing substantive worker concerns has proved a running sore. In this context, three representatives dropped out of the forum in mid-2008 under the perception that it was "toothless". Indeed more persistent attempts by

representatives from Dublin South to raise constituent concerns over car-policy changes resulted in their issues being passed onto the subsequently created SWC.

However much like *Vocal*, the SWC proved to be a largely inauspicious vehicle for the representatives involved. Although designed to address the specifics of the new car policy, the forums sphere of influence was unclear from the outset. Again it was initially presented by management as a body for allowing employees to assist in shaping policy issues. However the first year of the forum were marked by exchanges between management and representatives over what issues were appropriate for the SWC to address and those that should be raised at *Vocal*. Furthermore by the time representatives could tackle issues around the new car policy, they found that their ability to influence the implementation to be greatly limited.

As with *Vocal*, the SWC fell victim to an enclosure of issues around the perceived banalities of 'tea and toilet-roll' type issues. However to attribute such outcomes to management practice is not wholly accurate. In this regard the incumbent employee representatives had a role to play. A number of the non-union representatives appeared to view the position as an opportunity to demonstrate their abilities to management thus allowing them to advance up the corporate ladder. Indeed some representatives interviewed outlined that they ran for the position on the advice of line managers who claimed that it would assist future endeavours towards promotion. Consequently representatives working under this assumption affected an eagerness to appear as 'constructive team-players', being less inclined to raise issues which might fracture their working relationship with management in any way. This has often served as a source of annoyance for the employee representatives who are actively union-members feeling that it debilitates efforts to create a united front when raising issues with management. Indeed this was part of the rationale for the aforementioned representatives dropping out of the forum in 2008. A further corollary of this is that the more 'career-minded' representatives or those who are members of line management or project management teams have increasingly found that their 'caseload' has eased off, as their constituents opted to bring their grievances to representatives who are known to be union activists and more likely to pursue an independent line.

In aggregate the efficacy of the forums in fostering a more co-operative workforce climate has been negligible. Whilst employees conceded that the forum and wider changes in HR practice brought in since 2007 enabled a greater flow of communication from management to the workforce, the consensus appears to be that while communication downwards improved, there was little genuine dialogue.

Much of this dissatisfaction appears to stem from the initial presentation of the forum as one suggestive of full-bodied employee involvement and as an effective in-house substitute to an 'external' union. Management now admit that this was perhaps a mistake on their part and that nearly two years on from the introduction of the forum, there is a need to shift the tone of emphasis. Yet pursuing this line is likely to alienate *BritCo Ireland* employees further whose aspirations hitherto have been for robust negotiation rights – aspirations driven by perhaps superficial comparisons of the unionised arrangement in Northern Ireland. The forums have been unable to dissipate employee demands for unionisation and indeed the issue of recognition has remained the touchstone by which engineering and call centre employees appear to measure management's commitment to a genuinely participative workplace culture:

Some employees see it as management paying lip service, because we have no union, we have no power...there is a whole culture amongst employees that we should be unionised, particularly in Dublin South, which is the extreme, but also in City Offices.
(*Vocal* Representative B)

There is a certain percentage of staff who think it's not fair, that the North have a union and who definitely want a union no matter what.
(Call centre employee, *BritCo Ireland*)

Discussion and Conclusion

Examining the case of *BritCo Ireland*, management clearly promoted NER arrangements to supplant union influence in the company. In this regard, the NER arrangements were intended to provide a micro-institutional medium for employee voice that would neither significantly thwart the managerial prerogative nor disrupt organizational processes in the same way that a potentially more intrusive frameworks of union recognition might. As such the employer response was a typical example of union substitution *vis-à-vis* NER arrangements. However there is considerably more to the story than straightforward union avoidance. The rejuvenated voice regime was not espoused to employees under those auspices, but was rather advanced under notions of 'commitment' and 'involvement' as engendered by best-practice human resource management. At the same time, the evidence suggests that this was more than a rhetorical ploy or confidence trick on the part of management. Above all, there was a clear *intention* on the part of senior management to initiate a programme of engagement with employees across the organisation. This stemmed in part from the arrival of a new Chief Executive Director committed to notions of a 'high-involvement' culture, but also from a necessity to roll-back the engulfing climate of mistrust sowed by the recent corporate merger and associated re-structuring. Accordingly, a pronounced campaign of information and consultation was delivered by management throughout the organisation, in tandem with the overhauled NER regime. The *BritCo Ireland* approach to the NERs itself exemplified these two tendencies: it served to disrupt union organising attempts while simultaneously establishing the seeds of some modicum of employee voice, albeit voice on managements' terms.

In a somewhat different, but relevant context, a number of authors have tended to postulate that NERs suffer from a 'paradox of intention' or 'rival logics of action' (Upchurch *et al.* 2006; Danford *et al.* 2009; Butler, 2009). According to these authors, management sponsored NERs are readily diluted because of their dependent nature, their tendency for management dominance and their inability to move beyond the most basic communicative mechanisms. At the core of the management agenda is a conundrum shaped by, on the one hand, efforts designed to defend prerogative and, on the other, efforts aimed at generating employee engagement through the structured involvement of the workforce. These demands, it is claimed, are incompatible with the latter being readily subsumed by the later. The NER becomes the reverse mirror of its own ambitions, reflecting the very opposite of its claimed intent.

However, the case of *BritCo Ireland* shows that the inadequacy of the NER cannot be explained by recourse to a supposed paradox in management action. In this case, evidence of a 'rival logic of action' did not exist: management never intended the NER to serve as a vehicle wherein they would concede power and accept a dual authority channel. The dominant managerial interpretation of voice at *BritCo* was to view it as the transmission of information to employees in order to assist change processes and, to a lesser extent, to conceive voice as a form wherein employees acted as a point of supply, offering ideas to complement organizational effectiveness. Consequently, management faced no contradiction in logic because their efforts to affect their desired interpretation of partnership were wholly consistent with a unitary framework of human resource management. Rather than there being a conflict of managerial logics, this case indicates that the NER was deficient to employees because of a consistency of managerial logic – the body was imbued with deficits to aid management in shaping relations to their preference. Perhaps the only paradoxical effect was that by operating against the

background of a union organising campaign which was driven by employee grievances, *BritCo Ireland* management had to make a number of strategic concessions through *Vocal* in an effort to dampen worker distrust. In effect management ended up in the “Catch-22” position (Flood and Toner, 1997) that concessions to give *Vocal* the appearance of advancing workers interests placed immediate costs at their door around which may have proved difficult for the union to build worker solidarity. In effect, the union organising campaign was the ghost at the NER table.

Significantly, initial gains for workers, as achieved on the redundancy issue, were not sustained and the NER system became unstable. The NER failed in its effort to harness a mutual gains environment because the principal aspirations of employees at *BritCo Ireland* in the Republic could not be achieved through an NER arrangement. This was not because of some contradictory logic of managerial action. Rather the structural inability of the NER arrangement failed to advance worker grievances led to a progressive decline in the forums’ capacity to influence. Frustrated employee hopes led to active employee disengagement, as steadily they responded by refusing to participate in managerially-led fora. In the *BritCo Ireland* case, it is difficult to see how employee engagement could be enhanced within the sphere of NER when management failed to share with employees the means of addressing some basic and fundamental grievances. The underlying source of dissatisfaction in this case revolved around a sense of collective injustice regarding the denial of union recognition rights and the absence of genuine alternative participatory channels. Thus, the NER in effect failed because it could not negate the chief employee grievance which could only be met by transcending non-unionism. This is not to say that employees at *BritCo* were hostile to an ‘added-value’ involvement project in principal, but rather that it was of simply little use to them in satisfying their core aspiration to act as an autonomous power broker in pursuit of independent interests. Undoubtedly, additional factors played a part in shaping this demand; chiefly the running comparison of unionised arrangements in Northern Ireland. However, the resilience of a cell of committed and influential union activists in the company, even after the initial momentum of the organizing drive had subsided, progressively allowed a ‘dual power’ in the market for representation to emerge.

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