Union Representation in the Era of Atypical Work: Challenges and Alternative Mobilization Strategies

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Abstract

The study aims to identify various challenges faced and strategies taken by traditional longstanding unions in the recruitment and organizing efforts to represent the workers in non-standard or atypical employment. In today’s neo-liberal world, where capitalists are driven by extracting a growing level of surplus value from the laborers, the number and form of atypical work are on the rise. While atypical forms of work are rising, unions and the atypical workers themselves are facing numerous challenges in representing these groups. Through a descriptive study of existing literature, the study aims at highlighting these challenges, and illustrating the strategies taken by both the unions and the atypical workers themselves in raising the latter’s voice. The study demonstrates that although, earlier, some unions were not welcoming to these working groups, support and engagement efforts are increasing now. However, in the path of such efforts, fragmentation among the atypical workforce, diversity in occupations served, terms and conditions of employment contracts, and instability of the atypical jobs are major challenges faced by unions in representing the workforce. Moreover, in the Global South, weak culture of unionization, nepotism, and corruption appear as additional obstacles. In response to these challenges, unions have extended their support and recruitment efforts towards these groups in numerous ways: by coalescing with various macro- and micro-level actors, providing reduced membership fees, and disseminating necessary knowledge and expertise of organizing efforts to the workers. Alongside these traditional unions, many union-like organizations, online and offline, have emerged to organize these atypical workers.

Keywords: Atypical Worker, Gig Economy, Mobilization, Organizing, Precarious, Representation, Temporary Agency Worker, Unions.

1. INTRODUCTION

As the capitalists of today’s fast-paced world are increasingly being engaged in maximizing shareholder wealth and extracting a rising portion of surplus value from the labor process, the labor providers often have to bear the brunt because of the rise in various novel forms of precarious employment (Kalleberg, 2000); such rise, many-a-times, comes at the expense of standard employment contracts. These atypical contracts enable the capitalists to bypass numerous responsibilities of an
employer (Aloisi, 2015), and often transfer employment risks to the workers as well. As these novel non-standard or atypical contracts are more vulnerable in nature, they demand more representation and support from the worker unions. However, long-standing unions are facing numerous challenges in representing and organizing these workers (Waddington & Kerr, 2002; Heery et al., 2004). In response to these challenges, both unions and atypical workers themselves have come up with novel ways of, respectively, representing the atypical workers and raising their concerns through alternative mediums (Saundry et al., 2007). The current study aims at illustrating these challenges and consequent strategies. In doing so, the study also draws a comparative picture of a difference in these challenges and strategies in the developed North and the developing Southern part of the world.

2. LITERATURE REVIEW

2.1 Atypical Work

In today’s neo-liberal world characterized by financialization and the creation of shareholder value, businesses are increasingly resorting to numerous forms of non-standard or atypical work (Kalleberg, 2000, 2009). Whereas in standard employment relationships (SER), the employees have some form of employment security and access to fringe benefits, these are missing in non-standard employment or atypical work (AW). Many of these AWs are precarious in nature: they not only lack the inherent employment security of SER because of the non-applicability of working time regulation and minimum wage laws (Prassl, 2018), but also often result in low pay and unequal treatment (Rubery et al., 2018). Among the numerous forms of AWs, part-time work, zero-hour contract, non-standard self-employment, gig economy work, and temporary agency work are quite notable.

According to the International Labor Organization (ILO) Part-Time Work Convention, 1994, part-time workers are those working fewer hours in comparison to the workers on SER (ILO, 2019). However, the traditional definition of part-time workers has witnessed a diversification in its forms. Among the various forms, there are “substantial part-time” (21–34 hours per week); “short part-time” (20 hours or less per week); and “marginal part-time” (fewer than 15 hours per week) (ibid.). While these contracts have a set number of hours, in certain contracts the employers are not bound to provide the workers any set minimum number of hours to work, thus leading to extreme precarity. These extremely uncertain forms of work are termed ‘on-call work’ or ‘zero-hour contracts’ (Howcroft et al., 2019). While these part-time work arrangements provide the workers with some form of flexibility, and sometimes are taken by the workers voluntarily, many workers often engage in such work involuntarily because of the unavailability of other alternative sources of income. These part-time insecure forms of contracts are also preferred by the organizations due to resultant cost savings. The use of such contracts is rising worldwide: in the UK, 26% of overall employment can be classified as part-time (Grimshaw et al., 2016).
With regards to AW, temporary agency work is another form of precarious work where agencies supply workers to organizations, thus creating a triangular relationship among the agency, the client organization, and the worker (Forde, 2001). This is shown in figure 1. Due to this triangular structure, the employment relationship is a bit complicated: even though the workers work at the clients’ organizational premises, they are employed by the agency; this contractual arrangement gives limited formal rights to the workers.

Figure 1: Triangular Relationship of Agency Work

Besides these AW forms, self-employment is another one of the rising non-standard works, often called ‘bogus self-employment’ (Garben, 2017). In such arrangements, work is done using an online platform where the contacting of the work happens online, but the final delivery may or may not require physical contact (Wood & Lehdonvirta, 2019). Numerous platforms such as Uber, Lyft, AirBnB, Foodora, and others are using this business model to deliver their service. In this model, even though the person performing the work is classified as ‘independent contractor’, in reality, the platform owners practice a significant form of control over them in the form of algorithmic control (Wood et al., 2019): the laborers have to comply with the laid-out conditions of the platforms, otherwise they are barred from the system. Such an extreme level of control limits the freedom a ‘self-employed’ person is supposed to have. These control mechanisms also turn these employment relationships extremely precarious where the contractor can lose his/her job without any form of proper justification or negotiation (Prasll, 2018).

2.2 Mapping of Union Response to Atypical Workers

Traditional union response towards the abovementioned atypical workers can be primarily categorized into certain groups. As per the following response map, they
can be classified into four different categories: exclusion, replacement, regulation, and engagement (Heery, 2004).

According to the research done on union response towards agency workers (Heery, 2004), in exclusion strategy, the unions downright reject the agency workers, and their supplier companies, the agencies. Such a response was documented earlier in the public and private sector of some countries; however, with the advent of alternative forms of organization and declining union density (BEIS, 2018), such response is changing. Second, in the replacement category, the unions are accepting towards the atypical workers; however, they reject the supplying agencies as the unions believe that the agencies are working as middlemen who are supplying atypical workers in return for profit only; the unions say that these agencies are largely responsible for the degradation of employment regulation and standards. In another response, regulation, a combination of acceptance and exclusion can be observed: here, the unions try to regulate the employment terms and conditions of the agency workers via negotiation with the supplying agencies; the main aim of such regulation is to protect the core workers on standard employment from being laid off. Finally, in the engagement response, the unions accept as well as attempt to represent the agency workers, just as they do their workers on standard employment.

### 2.3 Union Response to the Changing Workforce

In line with the illustrated response map above, unions have responded differently to atypical workers across different parts of the world. The exclusion response was documented in certain sectors of Belgium and Germany (Gumbrell-McCormick, 2011). In another study on the atypical call-center workers (Kornelakis & Voskeritsian, 2018), it was documented that while a Greek enterprise-based union took an exclusion strategy in order to serve the vested interest of the core workers, in Italy, an industrial union took a more inclusive approach in representing the precarious group by negotiating collective agreements. Such a difference in response was the result of quite a number of factors including union identities and ideologies.
The Italian union, being an industrial one, was more inclusive towards the call-center workers as representing a higher number of workers, be it atypical or standard, strengthened their representation of the whole class of workers, a strategy followed by numerous other unions of industrial identity (Benassi & Dorigatti, 2015); such inclusive behavior strengthens the associational power resource of these industrial unions (Gumbrell-McCormick & Hyman, 2013).

While initial union response to atypical workers was prone to exclusion and subordination, the response is currently changing as unions have started to realize that atypical workers are a growing and important part of the workforce of the 21st century. While replacement or subordination strategies were earlier documented in the USA and the UK, among the NHS Professionals, these strategies could not bring successful outcomes (Heery, 2004). Nowadays, the rising number of unions is opting for responses of inclusion and engagement as was documented in the case of agency workers in many countries in Western Europe (Benassi & Vlandas, 2016). It is to mention that although inclusivity was common in all the 14 countries in the study, the degree of inclusivity varied depending on various factors. In countries such as Denmark, Sweden, and Finland, the inclusivity was shaped by high union density and strong bargaining coverage; on the other hand, in France, Spain, and Italy, alongside strong bargaining, among other factors, the mentality of promoting welfare for the working class in general was a major contributing factor. Even though the degree varies, such inclusive approaches are rising and many studies have shown that such engagement strategies can bring wholesome outcome for the overall workforce (Bacon & Blyton, 2004).

With the ongoing change in union response to atypical workers, there come numerous challenges in addressing the workforce. While the unions are able to address many of these challenges, not all of them could be mitigated successfully. As a result, besides unions, numerous union-like organizations and self-organized communities, online and offline, have emerged over the years (Stevens & Greer, 2005; Saundry et al., 2007; Johnston & Land-Kazlauskas, 2018). The current study aims at illustrating these challenges and alternative voice-raising strategies taken in raising worker voice across different parts of the world.

3. RESEARCH OBJECTIVES AND METHODOLOGY

3.1 Research Purpose

The purpose of this study is to highlight the various challenges faced by longstanding unions in strategizing representation of atypical workers, and later, describe numerous alternative strategies taken by these unions and the atypical workers themselves in serving their own purpose.

3.2 Research Gap

The current study aims to address a few specific research gaps in the existing literature: First, although different forms of atypical work are on the rise, the atypical
workers do not see a similar rise of organizations or mediums through which they can raise their concerns. The traditional unions which were primarily formed for organizing the workers on standard employment might not be yet well-suited to represent the atypical workers. While the existing literature covers various challenges faced and strategies taken towards the representation of this atypical group, most of these coverages are on the western economies. The current study aims to extend the coverage to both developed and developing economies so that a comparative picture unfolds. Second, the current literature is also limited in finding the collectivization attempts of these groups in absence of traditional unions, especially in the developing economy context where traditional unions are often not present or ineffective; this study addresses this research gap as well.

3.3 Research Objectives

The primary objective of this study is to identify the numerous strategies taken by the unions, union-like organizations, and self-mobilized efforts of the atypical workers in representing and organizing the AW workforce. In achieving this objective, the descriptive study draws on the findings from studies on the developed and developing economy contexts. The specific objectives of the study are:

1. To illustrate the challenges faced by traditional unions in incorporating atypical workers in their organizations
2. To identify traditional union strategies towards new forms of atypical workers
3. To describe self-mobilized and other alternative forms of voice raising strategies of atypical workers in the absence of unions

3.4 Research Philosophy and Methodology

With regard to researcher philosophy, from an epistemological standpoint, the researcher takes an interpretivist approach (Bryman & Bell, 2007). The researcher believes that subjective interpretation is better suited rather than an objective analysis of the positivist approach in analyzing the numerous social interactions of the actors in the society. As union strategies towards AW workforce are shaped by different conditions and actors, both macro- and micro-level, an interpretivist approach will be better suited to identify the interactions among the various parties and analyze their actions from an emphatic understanding. Moreover, from an ontological viewpoint, the researcher takes a critical realist position as it is believed that human actions and interactions cannot be explained in a vacuum; rather they are shaped by numerous social rules, regulations, and norms which ultimately affect the final actions of the social actors (Bryman & Bell, 2007)

With regard to methodology, the current study is descriptive. The paper draws on various literature from previous academic work done in the developing and developed country contexts. Thus, the study builds on secondary data. Besides academic journals, the study draws from journal articles, news articles, and other relevant documentary sources. The study utilizes a mapping of responses to explain
and demonstrate the shift in responses of the traditional unions towards AWs. In light of that framework, the study explains the challenges and alternative strategies taken by unions, union-like organizations, and AW workers themselves to raise their own concerns.

4. FINDINGS AND ANALYSIS

4.1 Challenges Faced by the Unions

Numerous challenges are being faced by traditional unions in organizing or representing the atypical workforce. First, the diversity of the nature of atypical work is a major issue. Such diversity of occupations often makes it difficult to form unions based on industries. Many AWs work in multiple occupations at the same time; addressing such a heterogeneous workforce depending on industry-based classification is difficult for unions (Gumbrell-McCormick, 2011). Additionally, the instability and the short-term nature of the jobs further contribute to difficulties in building a long-term sustainable membership base. Besides diversity and instability, fragmentation of the workforce is another issue which specially looms large in the case of the gig-economy. While the current Covid-19 pandemic may encourage the enhanced practice of remote working in the post-crisis world, such practice may have some negative consequences for the low-skilled workers in the gig economy in terms of raising their workplace concerns. Because of the use of internet, the workers are able to work sitting miles apart from each other, which leads to individualization. These individualized work environment not only weakens the buildup of collective mind-set among the workers (D’Cruz & Noronha, 2016), but also makes it difficult for unions in targeting their recruitment efforts to a large group of people at one go. While, in the past, unions could address a large group of people working under the same shade or for the same organization, nowadays because of the dispersed, individualized, and fragmented nature of the workforce, doing so is much difficult.

Regarding challenges, a major difference can be drawn between the developed countries of the North and the developing ones of the South. While in the North, the unionization rate is currently in a falling trend, apathy towards unionization was documented from the distant past in the developing country context. In the south, the culture of unionization had already been weak (D’Cruz & Noronha, 2016); further apathy originates from the perception of corruption of the union officers. Many believe that the union officials will not be able to represent their interest as a whole; rather unionization might benefit only a selected few as there are practices of nepotism among the unions of the South. Finally, another reason for the weak culture of unionization is that many assume that unions are associated with blue-collar workers; this perception stops many gig workers, even white-collar workers in standard employment, from joining unions as they believe that their social status might be hampered; this heightened sense of status often leads to division within the atypical worker community; while the low-skilled workers are willing to join, the high-skilled segment is unwilling to do so (Wood, Lehdonvirta, Graham, 2018). While some do not want to identify them as low-skilled blue-collar workers, others do not
want to identify themselves as any sort of workers at all; they prefer their entrepreneur identity in the gig economy, and hence are unwilling to join worker unions.

Another rising source of apathy in joining unions is the precarious nature of the jobs (Heery, 2004). In the case of agency workers in Heery’s study, the fear was that joining unions might lead to termination of the employment contract. Such risk is magnified for those for whom atypical work is the primary or only source of income which is the case for many in developing countries (Graham et al., 2017). For the primary earners, it is far more difficult to take the risk of joining unions because of the availability of labor: if the workers try to join unions, they might be terminated very easily as there are many others, currently without jobs, waiting to take their place. Besides, it has been documented that many capitalists who are using the atypical workers (i.e. the platform company owners) are resorting to various mechanisms to deliver anti-union message, and oftentimes disbarring workers who are revolting against them (Tassinari & Maccarrone, 2017).

The structuring of the contractual or employment relationship of the atypical workers also imposes further burden in representing them. To illustrate in the case of temporary agency workers, as illustrated earlier, the contract engenders a triangular relationship among the workers, the agency, and the client (Ono, 2000). Because of such an arrangement, it is often difficult to identify the target against whom to run the organizing movements: the client or the agencies. It is further complicated when the workers work for multiple clients simultaneously, and that is usually the case. Another contractual complication that contributes to the difficulty of unionizing the workers is in the case of ‘self-employed’ people and the gig economy workers where they are identified, contractually, as ‘independent contractors’. Because of the independent contractor status, these workers lack any collective bargaining rights (Johnston & Land-Kazlauskas, 2018) as it may lead to violation of anti-trust law which dictates that collective bargaining rights of self-employed people may lead to price fixing that goes against the benefit of the consumers.

4.2 Union Strategies in Representing the Atypical Workers

While support from traditional unions is increasing in some areas around the world, the unions are taking different strategies to provide these support initiatives. For example, in the UK, some unions started providing support beyond membership, and extended their services to workers who were suffering from redundancy (Mustchin, 2014). In the process, they set up coalitions with civil society organizations (CSO). In reaching membership efforts to the less represented segments of workers, some unions were also resorting to learning strategies with an attempt to raising activists among those groups (i.e. migrant workers). Such learning strategies were able to grab organizational support as these learnings improved organizational performance, leading to mutual benefit. Besides addressing migrant worker groups, similar engagement has been extended to the gig workers. Because of their apathy towards unions, the workers lack necessary expertise in formal organizing on their own; unions, in some cases, are providing the necessary know-hows (Saundry et
Regarding this issue, as Saundry et al. (2007) identified in a study on freelancers in the audio-visual industry, even though gig-workers are mobilizing themselves through various internet mediums, these movements are weak; there is ample opportunity for unions to extend their membership along these lines. Mutually, some unions are also learning from the gig workers: they are using internet for their traditional members to strengthen their organizing efforts, and disseminate necessary information as well as advice. An added benefit of these online modes over traditional ones is the removal of bureaucracy as the online modes often make it possible for the workers to express their opinions anonymously (Cockfield, 2003). It is to mention that while unions were recruiting workers from underrepresented territories along the lines of membership, often through reduced membership fees, difficulties aroused in integrating these workers with the traditional workforce (Fitzgerald et al., 2012).

Besides recruiting, in organizing the atypical workforce, unions across the world have engaged in various macro- and micro-level engagements at the local and national level, and the approaches varies across countries. To illustrate, in Spain, unions resorted to campaigns and political pressurization whereas, in the UK, community organizing was followed (Connolly et al., 2014). In the UK, Trade Union Congress (TUC) encouraged their affiliates to go for community organizing and sustainable sourcing strategies (Wright, 2013) which were able to increase membership to a certain degree. However, such strategies are not being widely implemented because of limited resources, and of the fact that resources are often primarily being invested in servicing members. In organizing the AWs, national unions are empowering their local affiliates to customize and strengthen activities, both organizing and sourcing, at the local area level (Heery & Simms, 2011). At local levels, union officials were often sent to participate in numerous networks of atypical workers, namely migrants, women, and youth, to ensure sustainable sourcing (Kornelakis & Voskeritsian, 2018).

Along with such tailoring at the local and national level, engagement is being done with other actors in the society. Many unions are engaging in lobbying and multi-party negotiations to improve the legal framework used to regulate flexible working arrangements (Kornelakis & Voskeritsian, 2018); these efforts often lead to successful outcomes such as the UK Living Wage campaign (Holgate, 2015). Coalition was also done with CSOs, state-level organizations, and other union-like entities. To illustrate, like IWGB, General, Municipal, Boilermakers (GMB) represented Uber drivers in the UK in 2016, asking for basic minimum wage provisions for 30,000 drivers (Johnston & Land-Kazlauskas, 2018). Besides such national-level effort, cross-national as well as international activities are growing: many unions in Europe and North America have ratified ‘Frankfurt Declaration of Platform-based Work’, proposing collective organizing rights for platform workers (ibid.). Through such multi-actor engagements, unions can oftentimes get things done which they were unable to do earlier. To elaborate, some unions are engaging consumers and the broader public in these movements (Tassinari & Maccarrone, 2019); through such engagements, the consumers can put pressure on employers in ways the unions were unable to do due to legal restrictions and contractual agreement with the employers.
4.3 Alternative Forms of Representation and Voice

While longstanding unions have come forward, other forms of organizing and representation have also come into being these days. In the absence of and apathy towards unions, many alternative forms of organizing and voice raising mechanisms have risen in different parts of the world. Besides longstanding unions, the countries in the global North are watching a rise in union-like organizations. Grassroot unions such as Independent Workers of Great Britain (i.e. IWGB) have gained considerable success in representing the gig workers: IWGB has won quite a few legal cases against corporate giants such as Uber and others (De Stefano, 2015). Besides, they are also helping the workers organize themselves through protests and proto-strikes where the workers go on strike by logging out of their delivery app for a consecutive number of days. Besides such grassroot minority unions, there are guilds (Independent Drivers Guild), works councils (Foodora works council with support from Vida), and worker centers (Coalition of Immokalee Workers) which are also working in raising the concerns of such atypical workforce (Johnston & Land-Kazlauskas, 2018).

Alongside the support from these collective organizations, the workers are often opting for self-organized movements by forming co-operatives (Scholz, 2016) such as SMart in Belgium. The mechanism of these co-operatives is especially applicable among the independent contractors of the sharing economy. Instead of sharing a percentage of the profit with the capitalist platforms, they form their own platform and retain all of the profits; thus, they are the owners as well as the workers of these co-operatives.

In the developing economies of the South where the culture of unionization is weak, mobilization attempts are rising through online forums. These virtual platforms are being used for the purpose of solving work-related problems, sharing grievances within the communities, and seeking advice (Wood et al., 2018). Often such platforms play a pivotal role in online naming and shaming of employers who exercise excessive forms of control over the workers, and misuse the features of atypical employment to extract surplus value (i.e. fire workers without justification). However, these online movements are fragmented and often are not able to serve the purpose of a unified movement (Wood & Lehdonvirta, 2019); the voice of the workers often do not reach the capitalists. Even though voices on these platforms are unheard of by the capitalists, the atypical workers often share their grievances here to make themselves feel better. In this way, these online platforms often work as ‘communities of coping’ (Korczynski, 2003) where the purpose of sharing grievances is not always to raise complaints, but to cope with the situation by feeling part of an aggrieved community.

5. CONCLUSION

The above-mentioned details illustrate the numerous challenges faced by unions in representing the atypical workforce, and enumerate the various strategies to overcome these challenges. While many unions are coming forward in supporting this novel workforce, there are numerous challenges in the way of organizing
them: fragmentation among the workforce, diversity in occupations served, terms and conditions of the employment contracts, and instability of the atypical jobs. In addition to these, additional degrees of precarity because of lack of alternative sources of income, weak culture of unionization, perceived nepotism and corruption appear as further obstacles. In response to these challenges, many unions resorted to going ‘beyond the enterprise’ (Heery et al., 2004) strategies to increase union membership through numerous strategies of coalition, collaboration, and support, leading to mutual learning and benefit for the unions and the workers. Their support expanded in areas of recruitment, representation, and organizing through the deployment of tailored initiatives at the local, national, and international levels. In the process, the unions have engaged with numerous micro- and macro-level actors, enabling the former to provide worker support in ways they could not do earlier. However, besides these unions, the atypical workers have come up with alternatives of raising their own concerns, even though they are not as strong as the longstanding groups are commendable, further study needs to be done on the sustainability of these strategies. Moreover, the scalability and cross-border expansion potential through internet mediums can be further explored to see whether they can mitigate the cross-cultural difference and come up with a global unified organizing movement of this workforce. These study findings, in combination with the current one, can be used in identifying ways of reducing tension among the union members, and also in initiating social dialogue among national and international stakeholders so that the working standards and the representation status of these atypical workers improve by a considerable margin.
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