

A VERY SHORT,
FAIRLY INTERESTING AND
REASONABLY CHEAP BOOK ABOUT

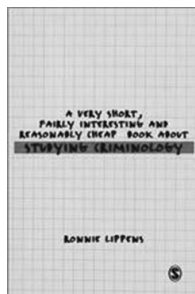
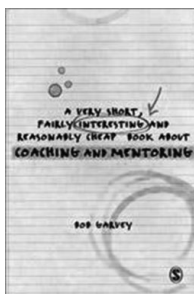
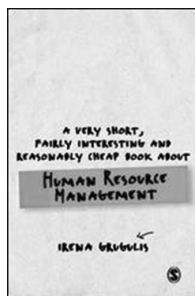
**EMPLOYMENT
RELATIONS**

←
TONY DUNDON,
NIALL CULLINANE AND
ADRIAN WILKINSON



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SAGE Publications Ltd
1 Oliver's Yard
55 City Road
London EC1Y 1SP

SAGE Publications Inc.
2455 Teller Road
Thousand Oaks, California 91320

SAGE Publications India Pvt Ltd
B 1/I 1 Mohan Cooperative Industrial Area
Mathura Road
New Delhi 110 044

SAGE Publications Asia-Pacific Pte Ltd
3 Church Street
#10-04 Samsung Hub
Singapore 049483

Editor: Delia Martinez-Alfonso
Assistant editor: Lyndsay Aitken
Production editor: Sarah Cooke
Copyeditor: William Baginsky
Proofreader: Tom Hickman
Indexer: Silvia Benvenuto
Marketing manager: Alison Borg
Cover design: Wendy Scott
Typeset by: C&M Digitals (P) Ltd, Chennai, India
Printed in the UK

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2017

First published 2017

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The title for the 'Very Short, Fairly Interesting and Reasonably Cheap Book about...' Series was devised by Chris Grey. His book, *A Very Short, Fairly Interesting and Reasonably Cheap Book about Studying Organizations*, was the founding title of this series.

Chris Grey asserts his right to be recognized as founding editor of the 'Very Short, Fairly Interesting and Reasonably Cheap Book about...' Series.

Library of Congress Control Number: 2016949399

British Library Cataloguing in Publication data

A catalogue record for this book is available from the British Library

ISBN 978-1-44629-410-9
ISBN 978-1-44629-411-6 (pbk)

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Mum, Dad and Thomas – *Tony*
Jackie, Mam, Dad and Rex – *Niall*
Erin and Aidan – *Adrian*

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Acknowledgements

There are numerous people we would like to thank who have provided support and helpful comments in the drafting and writing of this book. Lyndsay Aitkin at Sage has been extremely helpful and patient with our delays and revisions. Numerous colleagues provided valuable comments and insights on various drafts on different chapters, particularly pointing out that our jokes can be pretty bad at the best of times. We thank especially: Michael Barry, Tony Dobbins, Martin Fahy, Damian Grimshaw, Brian Harney, Eugene Hickland, Colm McLaughlin, Stephen Mustchin and Peter Prowse.

Introducing Employment Relations

Buckingham Palace employs summer staff on ‘zero-hours’ contract

The Independent, 31 July 2015

Amazon’s brutal work culture will stay: bottom lines matter more than people

The Guardian, 22 August 2015

Public sector bosses demand huge pay rises: Unions want increases of tens of thousands of pounds to compensate for new taxes on their pensions

Daily Mail, 5 February 2016

Anger could explode on North Sea oil rigs after workers vote for strikes

Socialist Worker, 27 October 2015

Artificial intelligence and robots threaten to unleash mass unemployment, scientists warn

Financial Times, 14 February, 2016

Gender discrimination still rife in British workplaces

The Telegraph, 4 March, 2014

introduction

We open this book with the above headlines not necessarily for their sensational or especially newsworthy quality, but because they capture how central employment relations (ER) are to our contemporary experiences of life. If you make even the most limited of efforts to keep abreast of current affairs, it is pretty difficult to avoid ER issues like the above being presented in the press and wider media. Beyond the

fact that such headlines touch on and report very real and prominent issues, like public–private sector divides, bad employment practice, gender discrimination, workplace strife and automation, they also signal a series of deeper issues concerning ideology, power and interests and the way this can shape much of the presentation and the study of ER. All this matters because it raises questions as to what and who ER is for. It matters also because ER shapes so much of our lives. Joanna Biggs has captured this very well in her book *All Day Long: A Portrait of Britain* (2015), wherein she documents the varied experiences as well as trials and tribulations of a multitude of people doing all sorts of jobs: shoe makers, lawyers, cleaners, crofter, a giggle-doctor, barista, among many others in their places of work. And the experience of employment is indeed highly variable: in *Life Interrupted* (2015), Denise Brennan has recounted the world of employment as experienced by many migrant workers who are trafficked into forced labour in the United States. One of her opening stories is of a young Mexican, Francisco, who jumps from his employer's parked van while at a gas station in California to run directly to police officers he had spotted and to give himself up as an undocumented worker: getting arrested and even deported was a better outcome than remaining in an employment relationship of chattel slavery.

Ultimately, whether you are an attendant for the Queen, a North Sea Oil worker, a civil servant or a manufacturing worker threatened by robots replacing your job in the future, you are most likely in an employment relationship. Or if you're a student, with the aspiration of entering the world of work, then it is most likely that you will very soon be in an employment relationship. An employment relationship, in legal terms, is captured by an employment contract or a contract of service, wherein an employee works for someone else. This is not necessarily as straightforward as it might first sound: the British Court of Appeal established that vicars cannot claim unfair dismissal even if their Church sacks them without good cause. Apparently they work for 'God'.¹ Even the seemingly 'obvious' assumption that someone with an employment contract will get paid for the work they do in exchange for their labour is not necessarily to be taken for granted in these times. In the period between December 2015 and February 2016 there have been approximately 1,000 strikes in China, of which 90 per cent were about 'chronic wage arrears'.² In Britain, employment tribunal complaints for 2015 show that 28,000 claims were made for 'unauthorised deductions from wages' and a further 31,000 claims made for 'unpaid holidays'.³ At the time of writing, security guards who worked hard to help make the 2012 British Olympics such a global success are still waiting for their wages.⁴

For most of us, working under an employment contract is (or will be) the dominant feature of our lives, assuming we are fortunate to avoid the scourge of unemployment or we do not opt out to become self-sufficient sheep farmers in the Scottish Shetland Islands or Australian outback. Ultimately, from the time you leave full-time education to the time you retire, your employment relationship, and your experience of it, will structure most of your waking life. Indeed, even this designation may be inaccurate as those whom we often consider to be outside the labour market, say students and pensioners, are increasingly active in it. Most students, under the pressure of fees, already double-up as workers whilst some retirees have had to return to the labour force to supplement their low pensions in old age.

Yet it is not just that a significant bulk of your life will be spent in employment, it will also affect your wider 'life chances'. Your employment will determine how much you earn, whether you shop in Waitrose or Aldi, or whether your kids will wear counterfeit Adidas or genuine branded Jack Wills. Your employment relationship will determine whether weekends are free for leisure pursuits or spent 'on-call', nervously waiting by the phone in case your manager rings with instructions to attend work. Your employment relations will determine whether working long hours in your job goes by unnoticed, because you love what you do or whether most of your life is spent counting down to a shift's end; like Jimmy Cooper, the post-room boy who lives for the weekends in the film *Quadrophenia*, whose frustration with his job eventually culminates with an explosive rant at his employer and on-the-spot resignation. Employment relations matters also from the point of view of employers, who need to have the 'right' kind of labour at the 'right' time to remain competitive. In the circles of human resource management (HRM), a reasonably cognate area of concern for much ER scholarship, the employee as a 'resource' is often seen as potentially the firm's 'greatest asset'. ER also matters for society as arising from the dynamics of employment relationships at work is the subsequent production and distribution of social wealth and income in our society. It is no exaggeration to say that what happens in employment influences everything from the prices you pay in the shops, the level of unemployment in your community, social class advantage and disadvantage to the outcome of political elections. Many of these issues are not isolated events but are the combined product of various contextual forces that intersect with employment relationships at different times and in different ways: the globalisation of economic conditions, workforce demographics, changing government (state) policies, and growing employer power. So while the tribunal claims we referred to above show an increase in people complaining that their employers have reneged on

agreed wages, it is also worth being mindful of the fact that the UK government have decided to make it more difficult (and more costly) for individual workers to pursue such complaints through the various reforms it has made of the system in recent times. Or it might be worth noting that the relative historic rise in individual tribunal claims may be to some extent a by-product of an employment context punctuated by declining trade union representation in contemporary workplaces (Pollert, 2005).

employment relations as a field of study

Let us leave aside these broader issues for the moment and tell you something about the field of ER before we proceed further. It is perhaps fair to say that ER is not strictly a ‘discipline’ like sociology, economics or psychology which tend to have their own self-contained and established intellectual anchoring points or (in some disciplines at least) widely agreed methodological procedures for acquiring knowledge. In fact sociologists, economists and psychologists have, using their own disciplinary tools and procedures, helped with the study and contributed to our understanding of work and employment. Sociologists might examine what work means to us and to our wider lives, and how employment or occupational identity embeds us in a society; economists might look at transaction costs and incentives or how labour markets are structured; and psychologists often examine how happy or unhappy we are with our work situations. ER is also a hospitable home for historians who might look at how employment has changed over time or provide labour histories; for lawyers the meaning and implications of the contract and legal rights are important; for political scientists examining the notion of work citizenship and governance regimes are key, and even for geographers who consider how physical space is intimately bound up with issues like mobility and regional variation in work and employment (see for example Herod et al., 2007). This broad, interdisciplinary focus means that it is very tempting to characterise ER as a field whose concern is with work and employment, pure and simple.

On the other hand, as one leading commentator has argued, defining ER as broadly about the experiences of work is not entirely satisfactory, because there are some distinct emphases in an ER approach which give it a specific purchase in explaining the world of employment (Edwards, 2003: 4). First, ER scholars tend to focus, as we’ve said, on situations where an employee works under the authority of an employer and receives a wage in return for his or her labour.

We emphasise *tend to* here, because this is not always strictly true. ER scholars are often concerned with those who are bogusly ‘self-employed’ or ‘on the fringe’ of the formal labour market, a strategy sometimes used by less than scrupulous employers to avoid the rights and costs associated with hiring workers legitimately. Also the ER focus *tends to* be distinct from the legal contract of employment as the judiciary might reason. The purely legal conception of employment has been criticised by ER scholars for assuming the contract is made and agreed between equal parties, of equal bargaining strength, and in a market with perfect information. This ‘legal figment’, as even one of the labour law’s leading luminaries observed, conceals a reality of power, submission and inequality (Kahn-Freund, 1972: 8), an idea we’ll revert back to at various points in the book. Foregoing the assumption that an agreed contract of employment implies all is subsequently fine and dandy in the relationship, ER scholars point to an ongoing ‘indeterminacy’ in the exchange that represents the potential for conflictual and cooperative relations. Theoretically, a refined conceptualisation of this relation is ‘structural antagonism’, first developed by Paul Edwards (1986). The basic idea here is that employers and workers are locked into a relationship of dependency that is compounded by contradictory tensions. These structural tensions can, however, be socially organised by the actors in different ways. Whilst this might seem like a mouthful, it essentially means that employers and workers pull in opposite directions: employers have an interest in making profit and ensuring workers exercise productive effort, whilst workers have an interest in securing high wages and tolerable conditions of work. These tensions, however, do not automatically manifest themselves as conflict, for employers in trying to curtail workers’ wages and control their effort have to be mindful to secure worker commitment, whilst workers can equally define and realise their multiple and contradictory interests in numerous ways. Yet whilst workers might, under certain conditions, have an interest in actively cooperating with their employer to ensure the survival of the firm and the continuation of their employment, this does not hide the fundamental point that they remain locked into an antagonistic relationship. We’ll see this concept at work later in the book, notably in Chapter 4.

An additional element of an ER focus is on what are often seen as the two parts of the employment relationship, ‘market relations’ and ‘managerial relations’. Market relations relate to the price of labour, in terms of wages or salaries, but also hours of work, holidays and pension rights. Managerial relations on the other hand refer to the relationships that characterise how the consequences of market relations unfold

and occur. So the market relations might be one way to set a price for say a certain number of hours of work, but it is also the managerial relations that attempt to settle on how much work is performed in that time, in what ways, and if any sanctions are deployed should workers fail to meet managerial (or agreed) standards. ER is concerned with how the relationship is governed, by whom, and how rules are made that influence working outcomes such as pay, productivity, hours, training, work organisation and so on (Sisson, 2010). Both the market and managerial aspects invite consideration of issues around authority, power and control as well as conflict and cooperation, and raise questions like who makes the rules and how acceptable they are to all parties. Finally, as a field of study, ER is sometimes presented in a systemic fashion that incorporates a particular ‘context’ of work, which can be shaped by the roles occupied by different employment relations ‘actors’ and ‘institutions’ (like employers and workers to name the most obvious ones) who interact through a whole set of ‘processes’ characterised by conflict and cooperation, themselves premised on a structurally antagonistic relationship. From this flow ‘outcomes’ such as pay, hours of work, productivity or observation of various laws and regulations. This systemic view of contexts, actors, processes and outcomes also influences the structure of our book.

the focus of this book

Our book is different from the standard instructional texts in the field. Many of these texts, while comprehensive, present something of a detailed description of national laws, arbitration services, employee participation channels, pay arrangements or union structures. This is undoubtedly necessary and desirable. However, while we will discuss institutions, which are important to the subject both in understanding and changing it, our focus is not to explain either British, Australian or US employment systems as such, but to embed issues within a more general discursive interrogation of prominent ER themes for readers who are being introduced to the subject for the first time. Our approach is embedded within the tradition of the *Very Short, Fairly Interesting and Reasonably Cheap* series first inspired by Grey (2005). The book is short so it is not intended to be comprehensive. Rather, as authors we engage in a conversation with you, the reader, about issues and topics in a different way to most textbooks in the area. The conversation is less about how to explain certain rules or give a prescriptive account of the particular merits of a procedure or ER rule per se.