

Between consultation and collective bargaining? The changing role of non-union employee representatives: a case study from the finance sector

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ABSTRACT

This article reviews the roles and activities of non-union employee representatives (NERs) acting as forum officers in a large Internet finance company. Currently there is little academic coverage concerning NERs in this sector, including their contributions to employment relations, their motivations and orientations towards representative role and activities, or relations with management and fellow employees. An important precondition to answering one of the main questions asked of NERs is whether such representation constitutes the foundation of some nascent trade unionism, or whether by acting as forum representatives, they are positioning themselves to support management agendas and outlook? The range of data from this article's longitudinal case study, indicating time usage including individual and collective representation, suggests that NERs allegiances and roles remain ambiguous, existing as they do in the intersection between consultation and collective bargaining. An important factor may be their capacity for independent action and independence from senior management.

In the last decade or so a set of actors have become more prominent on the stage of UK employment relations, namely employee representatives independent of trade unions. Sometimes these operate within joint consultation machinery or alternatively act—as the Workplace Employment Relations Survey (WERS) (Kersley *et al.*, 2006; van Wanrooy *et al.*, 2013) terms it—as ‘stand-alone representatives’ outside of trade union agreement or joint consultation. To an extent this emergence of non-union representation reflects the declining membership and influence of trade unions leaving a ‘representation gap’ (Towers, 1997), with non-traditional voice supplanting single channel collective bargaining (Gomez *et al.*, 2010). Some representative bodies have early pedigrees, rooted in long-established joint consultation (Marchington, 1994), while others have grown out of recent changes in employment regulation; for example regulation on health and safety representation as well as the EU's Information and Consultation of Employees Directive (ICE)

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(2002/14/EC; EU, 2002; Storey, 2005) or the earlier European Works Council (EWC) Directive (1994/45/EC).

The emergence of new employee representation might be seen as either a challenge to traditional voice, or perhaps as an organising possibility for trade unions (Whittall and Tuckman, 2008; in the Australian context, Cooper and Briggs, 2009). Whatever the actual outcome, it would be mistaken to draw any conclusions without systematic exploration of the actual role being played by these representatives. Clearly while growing in importance we cannot extrapolate anything concerning the role and activities of these non-union employee representatives (NER) from that of shop stewards, the traditional workplace representatives of trade unions. The Advisory, Conciliation, Arbitration Service (Acas) highlight the scale and extent of NERs as well as their workplace roles and activity:

around half of employee representatives in the UK are non-union. Their role tends to be much more restricted than that of their union counterparts, being limited in the main to consultation. [Acas, 2009: 1]

Evidence of essentially two sorts has accumulated concerning these NERs. First, analysis of WERS dealing with employee voice indicates the scale of the development of new employee voice since the 1980s, with recent surveys indicating there has been some 'contraction' in employee representation. Second, 'stand-alone NERs became more common in workplaces belonging to large private sector enterprises: 6% of such workplaces had stand-alone NERs in 2004 rising to 13% in 2011' (van Wanrooy *et al.*, 2013: 15). Therefore, WERS 2004 allows the monitoring of broad changes in representation and gives some indication of roles and activities but cannot really show the details of these long-term changes taking place (van Wanrooy *et al.*, 2013: 17).

We cannot make an immediate comparison with shop stewards but an important difference with NERs is that the latter will not have any duties such as recruitment. Other points of comparison may be fruitful, for example, the representatives' independence from senior management, traditionally a good indicator for trade union organisation. However, within the workplace both union and NERs can depend on senior management patronage for their facilities. Some useful points of analysis are any differences uncovered between union and NERs specifically the involvement of representatives in individual and collective representation of employees and in their relationship with management (Charlwood and Terry, 2007). However such comparisons between consultation and bargaining activity, usually based around large-scale surveys such as WERS, present a static picture. In this context, therefore, we may ask what factors move representatives from a sounding board for employee opinion towards a body engaged in formal negotiations.

This article examines the roles and functions of NERs by tracing the development of employee representation arrangements at the contact centre of 'Interbank', a telephone and online bank on a UK greenfield site. While senior management attempted to avoid the encroachment of trade union recognition, a situation that prevailed at other sites of the initial parent company InsuranceCo, the non-union representation that emerged developed a sophisticated relationship with managers. By interviewing key actors, including elected NERs, and by carrying out workplace observations on regular occasions over a protracted period, we gleaned detailed documentation of their roles and activities. Notionally, working relationships between NERs and management were based on consultation, comprising a manage-

ment platform for discussion on employee representation then moved towards written agreements with management, eventually maturing into a system of informal and formal discussions appearing similar to, but not part of, official workplace collective bargaining. The data indicate the extent and parameters of NERs roles, activities, emergence and decline within a unique and novel working environment and explores how the representatives enacted some roles usually undertaken by trade union officials.

While case evidence of these NER bodies accumulates (e.g. Bonner and Gollan, 2005; Butler, 2005; Lloyd, 2001; Watling and Snook, 2003) there is little current data concerning the representatives themselves, what they contribute to workplace employment relations, their own motivations and orientations to their roles and tasks, specifically the considerations of relationships with management and fellow employees. Any moves towards such an understanding would be an important precondition to answering two key questions asked of such new representation. First, while the *sui qua non* of non-union representation is consultation this might be a route towards more formal bargaining, with some vanguard NERs in a 'middle ground'. What then drives this advance towards bargaining and, more importantly, what might inhibit advances in this direction of these representatives? Second, to what extent are representative roles and activities contained and limited by management making representatives 'management puppets' rather than independent agents?

Our use of terminology differs from conventions in discussions concerning employment relations, stemming from differences in union and non-union representation. We refer to full-time officers as those—in this case three—employees of Interbank whose duties are solely concerned with a representative role. Much of this article consists of examining what constitutes this role and how it emerged, formally and informally renegotiated between representatives themselves and senior management. When referring to the 'forum' we mean the representative body and, in referring to 'members' we refer to the wider body of elected representatives to this forum.

1 METHODOLOGY

Two types of data are deployed in the examination of NER activity. First interviews and informal discussions collected over a period of approximately six years, and second records of activity: timesheets, newsletters (*Weekly Updates*), and other spreadsheets recording officer time mainly initiated for monitoring and provided by the officers at one of our later visits.

A series of interviews and visits allowed the mapping of the maturation process of NER at Interbank. There were eight formal visits to the contact centre between 2005 and 2010, which ranged in duration from a few hours to a full day when we interviewed employee forum officers and other members, and three members of the HR department; we also shadowed forum officers on their normal activities, conducted consultations with individual managers, observed officers' involvement in a grievance hearing, and other day-to-day activities. Visits always involved a 'catch-up' on events with three full-time forum officers, allowing informal discussion of events and developments since our previous meeting. Catch-up discussions tended to focus on critical incidents of the recent period, and structured or semi-structured interviews to confirm the unfolding events at Interbank. One interview conducted with Derek, the employee chair of the forums, used the WERS employee representative questionnaire as the

framework for questions. Six informal discussions were held offsite allowing review of recent events and developments. We also interviewed the local union officer at Amicus principally to gain an understanding of the attempted union recognition at the Interbank site (see below) but also to gain their perspective on Interbank employee representation.

Data collected and analysed through interviews, shadowing, spread-sheets and records of officers' roles and activities therefore allowed a longitudinal analysis of the maturation of Interbank system of employee voice and its representatives. We explore employee representatives' experiences and forum business that in other studies were often only captured as snapshots. Butler's (2005; 2009) research tracked NERs in a financial institution and indicated that research on them has now shifted from a focus on how these 'managerially imposed' bodies, once initially seen as means of excluding trade union representation, are now being understood in terms of their contribution to market objectives. While we might accept that an increased maturity in research on NER is emerging, it might also indicate a gradual acceptance by employers of systems establishing employee cooperation (Gollan, 2007) alongside employees' acceptance of legitimacy of employers' practices and procedures. It is far from clear how this maturity occurs within the organisations deploying NER. In these accounts the actions and motives of the employee representatives remain undeveloped, presented as management puppets often without their own motives beyond an apparent deference towards management. We encouraged the voice and views of the NERs whose commentaries allow a more detailed exploration of their day-to-day activities.

The officers provided us with data that they had produced for other purposes, principally internal monitoring of their activity, indicating how full-time officers spent their working time. These data, which allowed cross reference and triangulation with the interview data, consisted of three elements:

1. Time sheets produced monthly for the HR Department monitoring the activity of full-time representatives. These sheets classified time at work into seven categories (see Table 1), which we interpreted below; Relationship Building, Relationship Maintenance, Awareness and Context Setting, Strategy and Planning, Communications, Collective Consultation, Individual Representation, as well as time in development and holidays. These data were complemented by 'weekly updates' (see below) and interviews to give a broader picture of the full-time representative's activities. These were also coded alongside the interview transcripts—using the same seven categories (above)—as further triangulation of activities.
2. One of the officers produced the 'weekly update' for circulation to members of the employee forum—as well as some members of HR—across Interbank. These gave a narrative of the officers' activities focusing on any 'conversations' with managers and involvement of officers in any current changes or issues. Meetings of all forum members as a body were rare, beyond the quarterly meetings held with the CEO, so these were intended by officers as a means of keeping all representatives aware of current events, coded these also proved a useful source of activity data.
3. Finally we were given a spreadsheet that detailed time officers spent in all meetings associated with individual representation in disciplinary hearings and appeals, with officers also giving advice prior to and sitting in on meetings. These data could also be cross-referenced against *weekly updates*, and we present an annual summary of this data in Table 1.

Table 1: Hours spent by full-time forums officers on classified duties

	Relationship building	Relationship maintenance	Awareness/context setting	Strategy and 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
Percentage of reported time (approx.)	17		14	26	6	10	27

Collated from officers' self-reported monthly reports from April 2004 to April 2007.

Two key, interrelated, factors impacted on shaping representation beyond the requirements of changing regulation and the desire of management to exclude trade unions, these we might pose as the ‘insecurity’ factors. First, the insecurity of employment at the Interbank contact centre where high levels of staff turnover constituted a workforce more willing to exercise ‘exit’ than ‘voice’ (Freedman and Medoff, 1984; Hirschman, 1970), particularly when presented with employment problems (see also: Mulholland, 2004; Taylor *et al.*, 2002). This issue of staff turnover also had implications for Interbank’s managerial hierarchy, namely the rapid promotion and turnover in management posts permeating all levels of hierarchy. This issue also linked to a second area of instability, namely that of ownership. Offered for sale by InsuranceCo for much of the decade of its ownership, Interbank experienced two subsequent changes in ownership first to the US-based Multibank then broken up and sold to two separate purchasers. Each change of ownership heralded a new senior management. Senior management also changed within a number of attempts at rationalisation to uncover synergies with changing parent companies. These two ‘insecurity’ factors were frequently encountered as issues influencing the officers’ roles and activities.

The insecurity of the work environment at Interbank led to the termination of longitudinal research and perhaps of the forum itself. In terms of our research the takeover by Multibank, coinciding also with the financial crash, meant that access to the contact centre and the officers became more difficult. While officers survived and displayed the capacity to introduce employee voice into an alien environment, at the same time suspicions as to their role seemed to arise. Perhaps this was symptomatic of other changes that were being planned by Multibank. Interbank underwent one of its frequent rationalisations, which may have signalled its fragmentation; once again Interbank was put on the market with closure of the contact centre and the accounts split between the two separate buyers.

2 EMPLOYEE REPRESENTATION: ROLES AND ACTIVITIES

Surprisingly little is known about the workplace activities of UK employee representatives. In the 1960s and 1970s, a period synonymous with the expansion and formalisation of union shop floor representation (Hyman, 1979), a number of studies reinforced a view that they were principally engaged in collective bargaining (Lover, 1976; McCarthy, 1966; Nicholson, 1976; Partridge, 1977). Clegg *et al.* (1961), while seeing negotiation as key, also identified the ‘consultation’ roles of stewards, indicating that:

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. [1961: 180]

Within this context shop stewards can be a ‘lubricant’ between management and employees (Donovan, 1968). Batstone *et al.*’s (1977) ethnography of shop stewards in engineering workplaces showed independence from management during a period when trade unions could mobilise collective action. The studies’ fourfold typology—of ‘Leaders’, ‘Nascent Leaders’, ‘Cowboys’ and ‘Populists’—concentrated on the dimensions of shop stewards’ ‘leadership’ skills in relationship to management, union and membership. The study observed that stewards frequently shaped the issues they dealt with, initiating them, or managed those issues themselves ‘without resort to the convenors or other experienced stewards’ (35). The study identified how important ‘informal chats’ and the exchange of information and advice between

management and some stewards were for nurturing the relationship between them (169–170). In contrast, a later study concluded that stewards were ‘administrators not negotiators’ (Schuller and Robertson, 1983), the majority of time spent with management was in consultation or related to individual or group casework (339). Significant time was also taken in trade union activity, both recruitment and in branch and steward meetings. While some studies examined long-term unionisation in the banking industry (Allen and Williams, 1960), specific changes in banking (Storey *et al.*, 1997) or the changing role of the bank worker (Burton, 1991), academic literature overlooked the particular role of workplace representation in the finance sector.

More recent studies of employee representation have noted the decline in traditional shop stewards (Darlington, 2010; Terry, 1999) with reviews of workplace representatives’ facilities and time (DTI, 2007; also Kersley *et al.*, 2006), distinguishing between union, non-union and standalone representatives with union representatives being allocated significantly more time for their duties than the other two, although little is detailed as to how this time is allocated (BERR, 2007). Some recognition is given to particular roles—in Information and Consultation, Equality, Health and Safety, Learning, etc.—which are seen as discrete and independent of a more generalist ‘shop steward’ role and to individual and collective representation. In a comparison of union and non-union representatives based on data from WERS 2004, Charlwood and Terry (2007) challenge the traditional view of shop stewards and their ‘hallmark’ activity of pay bargaining in an attempt to map the ‘new terrain of employee representation’ (321). They indicate that non-union representatives were more likely to engage in regular consultation with management than their union counterparts. Importantly for our purposes they note that:

Given the absence of wage bargaining, it seems unlikely that non-union representation will have any impact on wage structures, although it may have some impact on measures of procedural fairness if it acts as a channel to communicate workers’ desires for fair treatment to management. [329]

It is important, therefore, to see how this desire for fairness might be catalyst for transformation of NER to become increasingly similar to a trade union body and engage in forms of collective representation. However there may be a more fundamental difference accounting for the activities that is indicated when Charlwood and Terry (2007) discuss consultation in mixed workplaces with both union and non-union representatives:

issues are divided between union and non-union representatives, with non-union representatives being consulted on integrative issues (which may be discussed more frequently) while distributive issues (discussed less frequently) remain the preserve of union representatives. [327]

According to WERS 2004, non-union and union representative roles differ; NERs more frequently operate on a part-time basis and devote, on average, three hours per week to representative duties, as opposed to union officers who are more likely to be full time, with part-time union representatives spending on average 13 hours on their duties (Kersley *et al.*, 2006: 148; van Wanrooy *et al.*, 2013: 16). WERS 2004 also reported that UK union employee representatives have greater expertise, access to time, training and resources than their NER counterparts, but are less likely than NERs to have a good relationship with management, or to see that relationship characterised by mutual trust (Kersley *et al.*, 2006). The 2011 WERS questioned both union and NERS about their time usage:

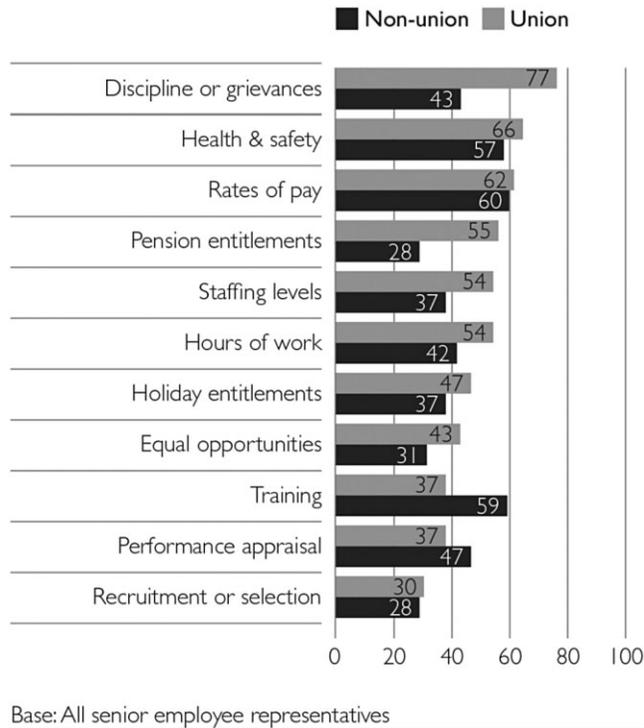


Figure 1: WERS 2011: Issues Representatives spent time on (%)

(from van Wanrooy *et al.*, 2013 figure 2, p17).

Taking both union and non-union representatives together: the most common issues that representatives spent time on were discipline and grievances (64%), health and safety (62%), and rates of pay (61%). [van Wanrooy *et al.*, 2013: 16]

While this conflates activities of union and NERs, WERS 2011 findings indicate differences between these. Figure 1, drawn from the preliminary findings of WERS 2011, shows the activities of representatives and the time given to them. Interesting here are the differences between union and NERs in some categories, particularly on discipline and grievances, but also the similarities such as on rates of pay. Also there is no indication of the similarities or differences in the nature of involvement; so for example, time spent on rates of pay might be participation in consultation on pay policy, or in the direct collective bargaining on pay rates.

Qualitative studies suggest UK NERs are denied the resources to undertake representative duties (see Bonner and Gollan, 2005; Butler, 2005; Waddington, 2003), or reference to third party adjudication for independent external advice (Butler, 2005; Cressey *et al.*, 1985; Gollan, 2002). Typically, this leads to workforce apathy towards NERs (Lloyd, 2001), and representatives isolated from constituents, sometimes leading to NER's role detachment and disillusionment (Bonner and Gollan, 2005; Cressey *et al.*, 1985). Studies elsewhere also described NERs as amateur, lacking in training and expertise, and dependent upon management's goodwill (Cressey *et al.*, 1985), while other studies highlighted NERs knowledge deficits upon business matters when compared with management (Butler, 2005; 2009).

The record of full-time NERs' activities remains little explored in the UK finance industry. Significantly, the Interbank NERs occupied full-time representative posts allowing them to better hone their organisational knowledge and experiences to inform and expand those representative roles and activities. Our study focused on NERs where resources and funding were secured, external links with non-union bodies were formed and where NERs previous union work experience reduced the knowledge deficit between NERs and management. We view NERs not as 'puppets' but, instead, as active agents able to negotiate and expand their roles and activities to accommodate workplace issues within the 'middle ground' of consultation and bargaining. We thus show the development of NER representation within a mature forum of employee representation at Interbank.

3 THE FOUNDING OF INTERBANK AND THE ESTABLISHMENT OF EMPLOYEE REPRESENTATION

Interbank was created by InsuranceCo as a telephone bank in the wake of deregulation of the UK finance industry. This corporate diversification attempted to create a 'brand' that challenged the staid image of banking. Initially intended only as telephone operation, eschewing branches, it was taken up in the Internet bubble and quickly adopted Internet services. Its employment policies and practices were adapted to cope with high levels of labour turnover. The products proved popular, the company quickly reaching its targets for new accounts. This created a problem in recruitment and training of new staff in its expansion. Stock market floatation of InsuranceCo, immediately following the collapse of the Internet bubble, was unsuccessful with continued suspicion that it could be sold leading to insecurity at the contact centre. This insecurity continued through frequent change and restructuring shaped by InsuranceCo's market intentions. In 2008 Interbank was sold to a US bank, which we refer to here as Multibank, attempting expansion into the UK although, after further disruption, it was broken up—between credit card and savings and mortgage business—and again sold in 2011. The contact centre was closed. Table 2 charts the changes in Interbank, alongside the establishment and development of its employee representative arrangements, to which we now turn.

4 THE ESTABLISHMENT OF EMPLOYEE REPRESENTATION AT INTERBANK

InsuranceCo had a long established trade union recognition agreement. Amicus, the union concerned (now part of Unite), expected site recognition to be extended to the Interbank site and across the business. However, as one HR Business Partner, transferred at Interbank's start-up from InsuranceCo, explained:

What we had at (InsuranceCo) was a union which had a foothold . . . (InsuranceCo is) a very traditional organisation while Interbank is very vibrant and quirky. . . . When the (Amicus) came in on the conversations here, (Interbank) was very firm and vigorous that there was no way they wanted a union here because they prided themselves on treating their people fairly anyway . . . My boss told me very quickly— . . . (he) said 'I want some kind of forum. I don't care what it looks like, but I need something that will represent the people and I want it done quickly'.

What is noteworthy here is the use of 'conversation', which was favoured at Interbank over such alternatives as 'discussion' or even 'meeting'. However, this language of harmony, of 'conversations' and 'chats', masked underlying conflicts between officers

Table 2: Development of Interbank and its Employee Forum

	Interbank	Employee Forum
1996	<ul style="list-style-type: none"> Establishment as banking arm of InsuranceCo, previously an insurance company but diversifying following liberalisation of financial institutions 	
1998	<ul style="list-style-type: none"> Launched of Interbank as separate brand, with company separated from InsuranceCo 	
2000	<ul style="list-style-type: none"> Stock exchange floatation 	<ul style="list-style-type: none"> Establishment of forum by HR Department with constitution based on InsuranceCo EWC
2002		<ul style="list-style-type: none"> Secondment of two members to re-evaluate role of forum
2003		<ul style="list-style-type: none"> 'Commitments' document replaces constitution 3 full-time (officers) representatives Budget managed by officers
2004	<ul style="list-style-type: none"> InsuranceCo drop plans for Interbank sell off Reorganisation to gain synergies with Interbank operations leading to rationalisation 	
2007	<ul style="list-style-type: none"> InsuranceCo sale to of Interbank to Multibank rationalisation with Multibank operations lead to expansion of contact centre with redeployment of their staff to contact centre 	
2009		<ul style="list-style-type: none"> Rationalisation leads to loss of one officer, with voluntary redundancy of deputy chair
2011	<ul style="list-style-type: none"> Break up of Interbank, with separate purchasers of credit card and of savings and mortgage businesses closure of contact centre 	

and senior management over the remit of the forum and its role and over issues as diverse as company restructuring and employee bonus payments (see below). The initial impetus for the establishment of an employee representative forum at Interbank appeared totally congruent with the argument that it was intended as trade union exclusion (Gall, 2005). The forum met quarterly in what one of the officers referred to as 'fireside chats' with the CEO. This clearly did not alleviate mounting

problems with workforce complaints concerning working breaks as well as the general workplace environment. The union continued campaigning for recognition at the contact centre, while, contemporaneously, forum representatives felt marginalised from the Interbank day-to-day decision-making, restricted to ‘sausages in the canteen, tea and toilets stuff’ (Derek—Forum Employee Chair).

Every now and again we had a restructuring exercise when (Interbank) employees could lose their jobs. The (forum) were called in on a supporting role only. We were not consulted on redundancies, but only asked to comment. [Harry—Forum Employee Deputy Chair]

Employee grievances prompted a demonstration by Amicus outside the gates of Interbank, which may have provoked the senior management and employee forum to consider their progress and remit. While some elements within senior management may have been anti-union this was not, at least initially, the case with forum officers, early activity involving direct engagement with trade unions. Derek had served as a union lay representative in previous employment and he, and Harry, had maintained union membership.

(We) had no objection to Amicus coming on site and making representations to staff. We didn’t think we could say no to Amicus. We were elected reps, but we did not have the ear of Interbank people and we felt that we could not speak for them. [Harry]

These views were echoed by the other forum officers, specifically that they were not trained for their roles and felt vulnerable to Amicus’ encroachment.

If Amicus were going to come in here then we needed to work with them on an equal footing. We almost needed to get ourselves tooled up in terms of knowledge and skills because we knew those guys would have more training and experience than we had. [Derek]

Forum officers’ role seemed one of explaining management policy and its implications to affected employees, although ‘we realised that it needed to be ramped up’ [Derek].

Officers claimed that one of the possibilities, not objected to by senior management, was trade union recognition. The Amicus officer certainly thought that they had an agreement all but signed (*interview*). However, while accounts are rather unclear, it seems that some of the forum members were increasingly discontent with the union’s approach. Part of the problem seemed to be that they thought the culture, and particularly language, of the union—or ‘brothers’ as they often referred to it—was alien to Interbank where they engaged in ‘conversations’ and not bargaining or negotiation. Derek had been involved in a small industrial union for the insurance industry, and felt that mergers ultimately into Amicus covering a range of very different sectors, meant union officers without any real knowledge or even grasp of their concerns. There also appeared unease that the forum might be marginalised if recognition occurred. Specifically, officers did not want to be relegated to membership recruitment for the union, abandoning any role in consultation or bargaining to the union.

At one meeting with the CEO, Derek and Harry, at the time only part-time members, proposed a more active role for the forum and each was given secondment of eight months to develop the idea; these secondments were to ‘organically default into full-time rep’ (Harry). The outcome for the forum, as well as acquiring two full-time officers in Derek and Harry—shortly with Sue as a third—was an independent budget for the forum and greater autonomy from management. The employee forum developed the framework of elected ‘members’, numbering between 8 and 12, representing constituencies of employees. These met with the CEO, who acted as

Table 3: Full-time officers of the Interbank employee

Derek	Male, 60s	Employee Chair (Chair)
Harry	Male, 40s	Deputy Chair
Sue	Female, 50s	

Interbank CEO is formally the Chair of the Forum. It also has up to 13 further part-time representatives for defined sites and sections of employees within Interbank. Time for Forum duties from these employees is negotiable with line manager.

‘chair’, around every three months. All Interbank employees were notionally represented by the forum without subscription, and officers addressed all new recruits on the role of the forum during staff induction. There appeared to be no formal meetings of the body or employee representatives beyond meetings with the CEO. The employee side constituted three full-time forum officers; the employee chair (Derek), and the deputy chair (Harry). The relationship between officers and the rest of the forum membership caused some disagreements, but it was finally decided that officers should be elected from the ranks of forum membership.

Table 3 shows the character of the Interbank Employee Forum and, particularly, of the three full-time officers. This raises Hyman’s (1997) two different senses of ‘representative’; that while they may act as ‘voice’ for employees in one sense, and particularly in terms of their age, they cannot be seen as representing ‘the main characteristics of the broader population’ (310). Officers were around twice the age of Interbank average employees. Another point that differentiated officers from the broader population was their longevity of service. In an establishment characterised by high attrition rate all three were appointed to Interbank from other parts of the company at establishment having, by the last interviews, approximately a decade of employment at Interbank.

Initial activity of these officers was to address some of the organisational deficits in terms of experience and constitution of the forum officers. To attempt to bridge the training gap, the officers developed links with the Involvement and Partnership Association (IPA) engaging directly with union representatives and officers. The forum constitution, hurriedly drawn up by HR and based on the InsuranceCo EWC, was later replaced by a set of ‘commitments’ to Interbank ‘people’ (as employees were referred to) drawn up by the officers and agreed with management. These ‘commitments’ described the forum as the only mechanism through which employees were informed and consulted on operational workplace issues; the introduction outlined the forum objectives as ‘to increase the level of employee involvement in changes and business initiatives which affect employees using effective consultation’. Therefore, the forum never identified itself with negotiation or bargaining although, as we indicate, moving in this direction. The ‘commitments’ document also incorporated a mission statement including themes of ‘representing the voice of all (Interbank) people, to make working life great and help drive superior business results’. Following these changes, in early 2003, the forum and its officers developed a remit for both individual and collective representation comprising involvement in salary structures, restructuring, employment—or ‘people’—initiatives, communications, terms and conditions, bonus payments, flexible working and disciplinary matters, consistent with areas provided by more mature forums (Watling and Snook, 2003).

5 ROLES AND ACTIVITIES OF INTERBANK EMPLOYEE REPRESENTATIVES

Officers' activities occupied a 'middle ground' in individual and collective representation falling in-between consultation and negotiation, and moving towards formal representation with recorded agreements. Common to all these officers' activities were notions of orientation towards employees' needs, delicately balanced against management intentions and company strategies; constant 'push-pull' dynamics (Martinez Lucio and Weston, 2004) of employee representation initiated and developed relationships that both promoted and limited the officers' and the forums' activities.

Table 1 indicates the self-reported activity by full-time non-union representatives at Interbank. The categories are their own with totals aggregated from monthly breakdowns. The remainder of this section explores these categories using the weekly updates produced by the forum full-time officers and from accounts with representatives in semi-structured interviews. Some of the categorisation employed is first explored before describing what might be viewed as more conventional individual and collective representation processes.

The roles and activities of Interbank officers evolved over time as they interacted with senior management through 'relationship building' (see below). Officers gradually moved beyond mere recipients of information and consultation towards forms of negotiation.

5.1 Relationship building and maintenance

Central to the philosophy of the forum was the concern with 'relationships'; the commitments document, in the section specifically focused on employee-management relationships cites:

All (Interbank) UK managers to be briefed and encouraged to acknowledge the forum's value for their departments. Forum reps are to attend meetings for information and input.

The notion of 'relationship' was clearly consistent with the rhetoric of a company where customer service is referred to as 'relationship development' and where 'conversations' occur but, in our experience, rarely advanced beyond discussions, let alone formal negotiation. These processes epitomise at least the ideal of social engagement:

If you have a relationship you don't always make an arrangement every month to see your mum.
[Derek]

Importantly the officers attempted to establish a high trust relationship with managers at all levels which, at least in early years, meant that trust in the relationship with management was more important than agreements. As Derek put it:

When a trade union has challenged us and say 'you've got no partnership agreement in place, you've got no procedural agreement' my own view is it doesn't matter. It's the relationship first and foremost.

Officers spent, on average, almost 48 hours a month or 17 per cent of their time on relationship building and maintenance. Much of the officer's time was spent in 'conversations' with different managers, from the regular meetings with the CEO downwards. The weekly update catalogued the frequency of such consultation, as for example:

(Sue) spent a large part of her time this week maintaining relationships with various managers, people leaders and departments. Sharing information in regular meetings, with Health and Wellbeing, the Contact Centre people leader . . . From (a forums) point of view this always helps us to explain to (Interbank) people, the situations and business decisions. [*Weekly Update* January 2006]

Similar developments of 'relationship' emerged with individuals or organisations outside of Interbank. To some extent, the establishment of such relationships confirmed the forum's and its officers' legitimacy. Officers' working relationships with the CEO increased their legitimacy to all managers.

HR problems were frequent. The site's high levels of labour turnover varied annually from around 10 to 40 per cent dependent on broader circumstances. Turnover—or attrition—rates were recorded by the weekly update report and frequently forum officers were consulted over how to reduce it. Employee turnover issues involved considerable effort between forum's officers with senior managers, and weekly reports recording officers' continual attempts at relationship-building meetings with new or problematic managers. Traditional collective bargaining requires workplace trade unions to spend time policing the resultant agreements. By contrast, the Interbank 'relationship approach' attempted to embed consultation at all levels of the company hierarchy and, in the absence of written agreement, required the officers to establish and sustain relationships. This was amplified by the high level of management turnover, with the local union official commenting that Interbank's problems emerged because of the inexperience of employees promoted into lower ranks of the management hierarchy. Forum officers were more experienced than most managers. Forum officers were also essentially outside Interbank hierarchy and had more thorough knowledge of procedures and practices than the HR Department; this experience was valued and often consulted by management before decision-making. Interbank officers were in some regards acting similarly to union officers in consulting and advising employees and management, yet also acting as autonomous advisors and conciliators to both parties but without a union officer's policy, resources or support network. A 'middle ground' between consultation and negotiation resembling 'quasi-bargaining' emerged; this bargaining process was often a compromise and resulted from the continuous 'push-pull' dynamic between management and employees. Consequently officers' activities revealed their own uncertainties concerning when and how they could best intervene over employees' and management strategy, including the extent of their powers as officers to do so.

5.2 Awareness and context setting

'Awareness' was an important issue for the representative officers and forums accounting for about 14 per cent of their time. The activity covered self-advertisement and working between management and 'people' (employees), because, unlike workplace unionisation, there was no membership and therefore no recruitment role for the forum. Not only did officers' services in individual and collective representation need to be promoted internally within Interbank, the officers themselves became quite evangelical about promoting their form of representation to outsiders.

Effort was expended by officers in constructing an independent identity from management across the organisation. Initially this was the acquisition of their own symbols: a banner about the forum identifying their location in the open-plan contact call centre and an officers' sweatshirt. Officers also contributed to the induction process making new staff aware of their existence, representative roles and the

employee forum itself. Officers held ‘awareness days’ where full- and part-time officers in each of the sites talked to employees—‘Interbank people’—about forum’s activities as well as ‘context’, specifically, what was happening within ‘Interbank’. These ‘awareness days’ were held near to restaurants on site where ‘people’ were likely to pass. One weekly update typically noted:

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. Overall, it appears that there is a very good awareness of (the forums); we will need to concentrate more now on what we do and what we have achieved. [22 April 2005]

Clearly, awareness raising activities promoted the forums and its officers beyond a symbolic or cosmetic presence and saw officers mirroring Batstone *et al's* (1977) representatives as initiators principally by taking their ‘Interbank’ representative roles seriously. These activities showed officers’ autonomy from management when they felt this was appropriate, and also identities synonymous with a legitimate and freely constituted forum.

5.3 Strategy and planning

Another important activity for the officers was categorised by them as ‘strategy and planning’, accounting for more than a quarter of their recorded time. However in discussion this proved highly ambiguous as officers, in referring to ‘we’, drifted between the forums own and Interbank’s corporate positions. This category appeared to cover two distinct types of activity; first the strategy and planning associated with the forum itself and, second, their role in consultation in changes in corporate strategy and planning as employee voice.

Considerable internal debate seemed to periodically occur concerning officers’ own position and relations with management. This sometimes meant officers looking outwards to organisations such as the IPA or even the TUC Partnership Institute. Representation was far from fixed and after initial consideration around 2003 (see Table 2) there were periodic discussions about the election for forum members and the selection of full-time officers. While there had been no challenge to the position of the three officers, there was, for instance, debate before it was agreed they should be selected from amongst forum members rather than elected by a workforce vote. More time consuming was the officers’ roles as conduits for corporate strategy and planning. Not only were officers used by management as sounding board for employee views, but they were frequently employed to explain any changes to the workforce. The sudden changes in senior management, and ownership, were testing periods for those officers concerned as this would not only initiate changes in corporate strategy, but also that incoming management would not appreciate the forum leading to anxiety about its possible abolition amongst officers. While this did not occur, events led to protracted periods of ‘relationship building’ with new senior management personnel

5.4 Communications

Closely related to both ‘awareness’ and ‘strategy’ was ‘communication’, filling only 6 per cent of officers’ time. A feature of Interbank were presentations by senior management involving the forum advising them about any changes to senior management personnel and company strategy. The officers attended to glean information, although often in communication sessions they had already been involved in prior

‘discussions’ or ‘conversations’ with senior management. One example from a weekly update reads:

There have been three communications sessions this week . . . outlining the changes to the Technology leadership team. (Harry) and (Derek) attended the meetings that were well received by those in attendance. [14 July 2006]

The attendance of the forums officers might have legitimated any decisions that were communicated back to fellow employees from these sessions. Representatives here resembled the ‘administrators’ rather than ‘negotiators’ as indicated by earlier studies of shop stewards (Schuller and Robertson, 1983).

5.5 Individual representation

The most time-consuming activity for the forum officers, taking up more than a quarter of their time (27 per cent) and seemingly the easiest equatable with the role of union representatives and with WERS data (see Figure 1), was individual casework particularly in discipline and grievances. We were given access to the database created by the officers covering these activities from 2004 to 2007 (Table 4), which could also be cross-referenced with the more anecdotal reference to casework as outlined in the weekly updates.

Forum officers attended disciplinary hearings with both managers and a representative from HR. At these meetings forum officers did not see themselves as playing an adversarial role, as might be expected of a trade union officer, but they monitored fairness and process. If advocacy was required then officers sometimes directed employees towards trade union representation and held union membership forms.

Extensive time might be taken outside the hearing itself giving assistance or guidance on procedure and preparation. Table 4 records 125 hearings although a few cases may be replicated as several hearings may be held.

The database includes probation reviews where problems of employee misconduct and gross misconduct arose. Some incidents related specifically to Interbank’s status as financial institution and contact centre; incidents were recorded involving e-mail or Internet usage. Incidents were documented where employees were disciplined for call avoidance or rudeness to customers. These activities suggest that officers moved beyond normal roles for NERs, and evolved towards what Batstone *et al.* (1977) found, that leader stewards perform managerial functions, for example, overseeing grievance settlements and welfare arrangements (see also Hyman, 1975).

Table 4: Disciplinary hearings attended by forums officers

	Hearings	Appeals
2004	30	10
2005	33	5
2006	50	16
2007 (Jan–March)	12	

From forum spreadsheet.

5.6 Collective consultation

The forum officers were consulted by senior management on a range of company HR policies including redundancy, equality, TUPE arrangements, as well as reward. The ‘pluralism’ of the consultation process seemed to give the policy some increased legitimacy.

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? [Derek]

In many respects, and despite this being only about 10 per cent of activities, consultation could be considered for forum officers as *the* defining activity—in the same way as collective bargaining is for trade unions. However, one of the most intriguing aspects of our qualitative data concerns the possible drift from consultation towards bargaining. Consultation occurred between forum officers and management on a wide range of HR policies and practices. Here the situation appears very similar to that outlined in ‘FinanceCo’ examined by Butler (2009) 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 forums, a body which affords council representatives access to key decision makers. [Butler, 2009: 205]

While the Interbank forum avoided bargaining, significantly the consultation on ‘reward’ policy coincided with other characteristics of more traditional employment relations. For example, as the weekly update (4 March 2005) suggested:

(Harry) met up with Reward this week. The flexible benefits package which (‘Interbank’) is considering is up for review . . . then the package will go out to wider consultation. (The employee forums) will be included. During the meeting the subject of overtime in the Contact Centre was raised. Reward feels strongly that it is currently excessive given that some Associates are now earning (with bonus included) up to 30 K 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.

As well as the indication of at least some informal industrial action taking place around overtime we suggest the data records moves from procedural consideration of reward policy towards a more substantive concern. After the takeover by Multibank in 2007 and the recent finance crash, the officers in a group catch-up interview indicated more formalised approaches to relations at Interbank many of the policies were re-examined:

We were consulted over car policy. The usual thing would be that we have a conversation outlining the car policy. . . . ‘Multibank’ doesn’t have company cars and are going to have to do something about that. (Multibank) are not going to manage a fleet. . . . 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 so there was no record. . . . 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 when we have formal consultations, and every consultation is minuted, it’s documented, it is open and the people will see our proposal going in. Although we still want option base consultation now it could be argued that you slip almost into negotiation. [Harry]

While relations often remained informal between forum representatives and senior management there was 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 changing management regimes and cultures, there were also indications of a ‘bargaining’ approach. Further examples were outlined:

The business wanted to buy folks out of their bonus rights and they put a proposal for 6%. We put a counterproposal for 7 1/2 per-cent with a whole bunch of bells and whistles on it. Of the four of five tenets that we put forward they went with three including the 7 1/2 per-cent rather than the six per-cent. Now is that negotiation? Is that consultation?’ [Harry]

While officers claimed that ‘we would never use the N word’ there was, we suggest, ambiguity in the activity they were engaged in, a ‘quasi-bargaining’ resembling the appearance and infrastructure of collective bargaining, but managed by NERs without the powers to negotiate formal written agreements with management.

6 DISCUSSION: NERs AT INTERBANK: AN AMBIGUOUS ROLE?

Unlike many of the non-union consultation forums the officers at Interbank developed a deliberate and sustained engagement with senior management at all levels. This engagement was extended beyond parochial—‘sausages in the canteen’ issues (Butler, 2005; Dundon and Rollinson, 2004; Gollan, 2003) entailing consultation and extensions to ‘quasi-bargaining’. While it is clear that employee representation was established by senior management to both comply with ICE regulations, and to exclude trade union recognition analysis of the employee forum as it developed, and particularly the role and activities of its officers, it indicates a far from static institution. In practice it is difficult to understand the evolution and development of the forum without its officers’ actions. While these may be decisive, we suggest that they are also deeply ambiguous.

Two forum officers remained in trade membership following their transfer from InsuranceCo on the establishment of Interbank. While they blocked mass union recruitment for collective representation they seemed, occasionally, to recommend union membership for individual cases. Officers also engaged with trade unions on other sites over issues such as collective redundancies, not uncommon in the turbulence of ownership and frequent rationalisation of Interbank. More generally amongst the officers there was a feeling that the approach of the unions was alien to the language and culture of Interbank with the notions of ‘bargaining’ and ‘agreements’, both bureaucratic and fundamentally at odds with the informality of Interbank. The officers identified with the company and its aspirations, leaving ambiguities as to their standing in the company and their influence over management.

Perhaps the most ambiguous relationship was that with senior management. On the one hand the officers realised that their position was based ultimately on the patronage of senior Management and the CEO. In the continued uncertainties of Interbank life, change of CEO—change that occurred on average about every two years—presented a critical period of attempted ‘relationship building’ with a new incumbent and perhaps management team. High turnover generally meant such transience occurred at all management levels, requiring continual establishment and maintenance of relationships with more junior and often inexperienced managers. Significantly, while ‘relationships’ predominated and the forum concentrated on consultation over integrative issues rather than distributive ones (Charlwood and Terry, 2007) these appeared to become more formalised, perhaps taking on many of the characteristics of bargaining. It was at this intersection of relationships with management that ambiguities over officers’ roles emerged most obviously. Without

established autonomy from management, officers' roles and activities were often undefined and remained imprecise. Hence officers exercised a cautious approach, opting for consultation and 'quasi-bargaining', rather than losing management support through assertive negotiating and bargaining.

As full-time NERs, and not performing any other role, officers were effectively outside the normal Interbank organisational hierarchy giving them some independence in management/employee, as well as inter-team, relations. While this might have given them some legitimacy in their activities it was also a highly ambiguous position. Most ambiguous of all the officers represented the 'voice' of 'the people' but they were not an aggregation of that voice. Instead, they saw themselves acting in loco parentis, providing advice and assistance in times of employee needs. The Interbank officers did not show the leadership of trade union stewards (Batstone *et al.*, 1977), but instead occupied a middle ground, acting as flexible intermediaries and lubricants between employees and management (Donovan, 1968). Interbank officers remained a hybrid model of employee representation—intermediaries caught in the 'push pull' of the dynamics referred to by studies (Martinez Lucio and Weston, 2004), using procedures and language that reflected the corporate systems, and formally articulating to employees the company's policies on discipline, representation and reward; coupled to this were the limitations in the forum's remit caused by the commitments document, which re-enforced the officers' ambiguity and roles by not permitting rights to negotiate the majority of issues.

7 CONCLUSION

This study adds to understanding of why non-union forums are often critiqued as ineffective voice channels and systems (see Gollan, 2002), often located in organisations where time and effort are expended in avoiding trade unions (see Dundon and Rollinson, 2004). The Interbank officers' made efforts to extend 'conversations' towards realistic negotiations, but were limited by Interbank's 'commitments' document, frequent management and regime changes, and also limited status, signifying presence without power lacking enforceable legal rights to employee representation and collective bargaining.

Our data suggest that the employee forum and voice arrangements were not a nascent trade union at Interbank, yet they aspired to play a significant and permanent role in Interbank's employee representation strategy. The officers' roles and activities gave them credibility and legitimacy with management for a period, moving their influence beyond management puppets to persuasive and important barometers of employee views and welfare. The officers' activities and roles reflected other forums, and particularly some EWCs, in that they initially had few rights, but then broadened their remit with management's acquiescence (Knudsen *et al.*, 2007; Lecher *et al.*, 2001). These policies saw forum officers developing their own profiles and roles within Interbank, for example, they channelled information to employees and advised them over issues such as discipline and grievance. Officers acquired increased levels of legitimacy, by, for example, achieving positive results over bonus payments and car policy—representative functions that might be categorised as delivering expected results for employees. These officers recognised that limitations existed over influence and did not attempt to destabilise 'relationships' with senior management or employees. Instead they adhered to consultation and quasi-bargaining rather than collective bargaining or negotiation and maintained their presence as one constant in

an ever-changing employment scenario. The data also suggest that NER's position in UK workplaces is likely to demand representatives gaining access to a more stable basis within organisations and movement towards the sharing of decision-making with senior management.

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