Limits and possibilities of trade union action to protect vulnerable workers

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Abstract

The ongoing crisis in Europe is promoting a profound restructuring and putting increasing numbers of workers at risk. Trade union strategies to combat job losses appear inadequate to the task and distract attention from policies to promote job friendly growth and competitiveness through training and development for employability and adaptability. What are the limits and possibilities of trade union action in this area and how can contradictions between conflict and collaboration be resolved in seeking solutions to the current transformation?

Introduction

The limitations on what trade unions are able to do to advance workers’ interests are well known. Unions are, as Perry Anderson (1967: 264) put it, ‘dialectically both an opposition to capitalism and a component of it.’ The ‘paradox of militancy’ is such that ‘trade unions can only work within the limits set by the capitalist system’ (Allen, 1967: 249). Beyond these generalisations it is possible to identify particular paradoxes and contradictions with respect to precarious work and vulnerable workers. The first paradox is that trade unions are least able to protect workers’ jobs precisely when that protection is most needed: militant action is far more likely to succeed when a sector is growing than during a recession. In the current economic context, vulnerability and precariousness are becoming the norm just as ‘atypical work’ has become very much typical. The second paradox is that those who are most in need of trade union support are least likely to be able to access it: casual workers, those on temporary contracts, migrant workers, especially those that are undocumented, and workers with few qualifications or in unskilled work. To that list should be added working children, workers in dangerous occupations and all who are in precarious jobs or at risk of facing redundancy or dramatic changes in the nature of their work.

What, then, are the limits and possibilities for trade union action to protect vulnerable workers and what are the conditions under which particular options could, or should, be adopted? To explore these questions this paper first outlines the current European economic context and the effects of restructuring on work and workers. Traditional trade union strategies to resist job losses under restructuring are then reviewed before exploring trade union actions with respect to vulnerable workers. The role of training and development is then considered both in relation to precarious work and vulnerable workers before finally offering some conclusions on the limits and possibilities of trade union action and the inherent contradictions in responses to the current transformation.

European economic context

Europe is in the midst of a wave of restructuring that is undoubtedly the most significant since (and potentially more serious than) the Great Depression of the 1930s. This restructuring is the result of the layered effects of global economic shift, the 2008 financial crisis and the European sovereign debt crisis from 2010, the separate effects of which are impossible to disentangle. The global shift in the world economy since the late 1970s represented a marked change in flows of trade between developed market economies, developing market economies and the eastern trading area (Dicken, 1992). The increasing importance of transnational corporations (Taylor and Thrift, 1986) and the globalisation of economic activity (Thrift, 1988) revealed the vulnerability of labour-intensive mass production industries to imports from low-wage
economies, since Taylorist production is easily replicated in newly-industrialised countries. Stiglitz (2002), defining globalisation as removal of barriers to free trade and closer integration of national economies, noted that increasingly higher value added activities were involved, which, coupled with market fragmentation, further intensified global competition, as had already become evident with the ICT sector (De Woot, 1990).

The so-called global financial crisis (GFC) of 2008, effectively a Western banking crisis prompted by complex derivatives incorporating sub-prime loans, was described in the International Monetary Fund’s World Economic Outlook (2008: vii) as ‘the deepest shock to the global financial system since the Great Depression’. The GFC necessitated massive bailouts of banks to avoid the collapse of the financial system and this contributed to the 2010 sovereign debt crisis (SDC). European (particularly but not exclusively Eurozone) economies suffering from global competition were continuing to spend on public services and welfare beyond the levels covered by tax revenues. Austerity measures in response only exacerbated the difficulties of moving out of negative growth and led to social unrest in the Southern European states particularly affected (Greece and Spain). At the time of writing there are continued fears of contagion affecting Italy and France, and ultimately of further effects on the German and British economies.

This global economic downturn had a marked effect on levels of restructuring and job loss across Europe. Trends in the incidence of restructuring and job loss across Europe can be gauged from the European Restructuring Monitor (ERM), a database established and run by the European Foundation for the Improvement of Living and Working Conditions (Eurofound). The ERM database compiles incidences of restructuring (including internal restructurings, bankruptcies/closures, mergers, offshoring) based on reports in newspapers in each of the 27 EU member states. No country has been shielded from the recession, but the incidence of restructuring varies considerably between countries (Eurofound, 2009). Restructurings have mostly been concentrated in the ‘old EU15’ countries, particularly France, Germany and the UK (Forde et al., 2009; Stuart et al., 2006). Estimates from the ERM suggest that these three countries account for around 60 per cent of reported job losses in Europe. This concentration partly reflects the relative size of the countries and the fact that hitherto, these economies have been the most robust. Whilst restructuring clearly remains most significant in the old EU countries, there is evidence of effects in newer member states. Poland, Hungary and the Czech Republic, for example, all experienced large numbers of job losses at particular points between 2006 and 2009 (Winterton and Forde, 2013).

France offers particularly interesting insights into the nature of the crisis given that the labour market is highly regulated. Despite government reluctance to allow market forces to operate without constraint (even under the previous UMP Government of Nicholas Sarkozy, but especially since the Socialist Government of François Holland was elected in 2012), France has suffered particularly severe levels of restructuring (Arpaia and Curci, 2010). In summer 2008, for example, the 64,000 job losses in France accounted for nearly half the EU total recorded in the ERM for this quarter, including some large concentrations of job losses within the public sector (armed forces, police, teaching, and key parts of the civil service). Within the private sector, telecommunications firms (notably France Telecom), utilities (EDF Energy) and automobiles (Renault and Peugeot) experienced large restructurings.

The timescale for implementing layoffs may be as long as 3 years and the means of achieving job reductions are varied. Often firms try to cut jobs through natural wastage (non-replacement of retirees and leavers), through offering enhanced terms for early retirement and voluntary redundancy, rather than through ‘hard’ layoffs. As the recession continued and deepened, compulsory redundancies became more commonplace. There is also some evidence of the use of active labour market policies to attempt to address the consequences of restructuring. A further round of closures and cut-backs in France is underway at the time of writing, including the high-profile cases of the Peugeot Citroen SA site at Aulnay, the Petroplus refinery in Petit-Couronne and the Arcelor-Mittal furnace in Florange.

The automobile industry has been particularly affected by the global nature of the economic recession; the slump in demand from 2006 has not reversed and the average car plant in France is now working at 60 per
cent capacity, a situation that clearly cannot endure. In one of the largest cases of restructuring in France, where 8,000 job losses were announced at Peugeot Citroen SA in 2007, the French government successfully applied for support from the European Globalisation Adjustment Fund (EGAF). The European Commission established the EGAF on 1 March 2006, providing up to €500 million a year to provide assistance to workers made redundant as a result of globalization, offering individual tailor-made services, re-training and help in finding alternative employment (Stuart et al., 2009). The funds supported retraining activities for a small proportion of those made redundant through restructuring, not the direct employees who lost jobs at Peugeot, but workers from firms that supplied Peugeot with components. The funds supported retraining programmes and job counselling as well as providing job search allowances. It was a similar story with Renault suppliers and the automotive industry was the focus for all 4 of the applications from France to the EGAF between 2007 and 2010 (out of a total of 67 applications from all EU member states). Peugeot workers at Aulnay attempted to resist the closure with a 4 months strike but after a further decline of 15 per cent in sales in 2012 and car plants running at 60 per cent capacity, there was little possibility of keeping the plant open. In April 2013 the works council finally agreed to closure of the site in 2014 with a loss of 8,000 jobs in return for enhanced redundancy terms and opportunities for redeployment at other PSA sites.

Excess European refining capacity led Zug-based Petroplus to file for insolvency in January 2012. The company had initially introduced ‘temporary economic shutdowns’ at its refineries in Antwerp (Belgium), Petit-Couronne (France) and Cressier (Switzerland) and reduced production at two other refineries, Coryton (UK) and Ingolstadt (Germany) to 45 per cent and 55 per cent of capacity, respectively. The Coryton refinery in Essex, despite being the most modern of the five refineries run by Petroplus, was the first to close in June 2012 with the loss of 900 jobs. Whereas UK bankruptcy law maximizes the overall dividend to creditors, in Germany and France the priority is protection of employment. Commenting on the Coryton closure, joint administrator Steven Pearson of PricewaterhouseCoopers emphasised how under UK market fundamentalism ‘economic logic drives decision making, not politics, so they are not influenced by politicians, unions, or other non-quantifiable factors.’ By contrast the Ingolstadt plant was kept open partly because German bankruptcy law requires the government to provide a wage subsidy of three months. Similarly, in the year of the French Presidential election, Petit-Couronne received operating support from Shell following the intervention of President Sarkozy and a promise from his successor François Holland to avert closure or at least reduce the 470 anticipated job losses. Despite serious efforts to find a buyer for the Petit-Couronne refinery, in April 2013 the court in Rouen ruled that none of the five bids on offer contained the financial and technical means to ‘ensure a lasting takeover.’ As regional demand for oil products fell, there was further pressure to reduce European refining capacity, in response to which LyondellBasell Industries NV and Total SA stopped refining at sites in Berre and Dunkirk. With the closures of Petroplus refineries in Petit-Couronne and Reichstett, now only 8 of the 24 European refineries that were operating in 1977 are still in service.

Following the GFC and SDC, reduced demand for automobiles and a recession in the construction sector led to weak steel demand, falling prices and underutilisation of capacity. In response ArcelorMittal idled 7 of its 25 European furnaces and 17 of its 63 blast furnaces worldwide. Tata also idled a blast furnace in Scunthorpe (England) and temporarily idled a hot strip steel mill at Llanwern (South Wales). ArcelorMittal had kept two blast furnaces at Florange idle for 14 months and decided to close ‘the liquid phase’ permanently in 2011, recognising that there will be no foreseeable return to pre-crisis demand levels. Like the Petroplus refinery in Petit-Couronne, the closure of the blast furnaces at Florange assumed a high political profile. ArcelorMittal planned to close the blast furnaces on 1 December 2012 but the Government intervened and during negotiations Industrial Recovery Minister Arnaud Montebourg accused the company of lying and gained the support of François Holland for a ‘temporary nationalisation’ of the whole Florange plant to allow time to find a buyer, since there was limited interest in the blast furnaces alone. The company accepted the French Government’s request to find a buyer for the blast furnaces and added the coking plant in the package, as well as committing to ‘exemplary social dialogue’ over the future of the 629 employees with a view to avoiding compulsory redundancies. ArcelorMittal agreed to invest €180 million over the next five years at the processing facilities of the Florange plant, promised not to close the two blast furnaces permanently and to negotiate with the unions to avoid compulsory redundancies. The origins of the closure of the Florange blast
furnaces lay in the 2003 ‘Apollo’ investment plan of Arcelor, which envisaged reducing capacity at four sites in Western Europe, including the permanent shutdown of two blast furnaces in Liege, Belgium, both of which are currently being closed; the two blast furnaces in Florange; and the closure of a small blast furnace in Eisenhuettenstadt, Germany, which is currently idled.

**Effects of restructuring on work and workers**

Beyond these particular high-profile cases it is clear that the current restructuring wave is having a differential impact on those who are already vulnerable or in precarious work, as well as putting increasing number of workers in these categories (Le Deist and Gaillard, 2013; Le Deist and Winterton, 2013). Industrial restructuring involving closures and rationalization is commonly associated with job insecurity, job losses and work intensification (Kieselbach et al., 2009). In some cases work *extensification* is also evident, representing increases in hours worked as well as increased productivity. Downsizing may improve organizational performance and increase job security for those who remain, but it also has a wide range of detrimental effects associated with job loss and work intensification (De Vries and Balazs, 1997; Macky, 2004). Institutional restructuring, involving changes in employee representation and negotiating arrangements, may be a precursor of other restructuring, since systematic undermining of trade union influence reduces employee resistance to change. The marginalization of trade unions inevitably leads to a deterioration in terms and conditions and has a deleterious effect upon worker well-being. Organizational restructuring (such as business process reengineering and changes in work organization) has multiple and sometimes ambiguous effects on work and workers (Holman and Wood, 2003). Technological restructuring similarly has both negative and positive effects, depending upon how the technology is applied and the objectives embodied in technological decisions (Winterton, 1985).

Job loss is the primary and most dramatic effect of restructuring for labour. Redundancy has been shown to have a negative impact on the health of workers, particularly those who remain unemployed (Keiselbach and Jeske, 2008; Kieselbach et al., 2006). The most obvious outcome of unemployment is financial hardship and there is widespread evidence that job loss, unemployment and financial hardship result in a significant deterioration of mental health (Fryer and Payne, 1986; Kessler et al., 1988) of the families as well as the victims (Liem and Liem, 1988) and are contributory causes of physical illness (Kessler et al., 1987). Mathers and Schofield (1998: 180) concluded in a review of studies of the health effects of unemployment that ‘longitudinal studies provide reasonably convincing evidence that unemployment has a direct effect on health over and above the effects of socioeconomic status, poverty, risk factors or prior ill health.’ It is acknowledged that there are selection effects, in so far as people who have a health problem are more likely to be made redundant, but negative health outcomes are evident in cases of total closure where selection effects do not operate (Keefe et al., 2002).

Fear of redundancy, job insecurity and uncertainty over employment may be just as damaging to health as actual job loss, irrespective of whether the fears are justified (Catalano, 1991; Bartley and Owen, 1996; Ferrie et al., 1998). New flexible and precarious contracts (including temporary work, on-call and part-time contracts), along with lean production and outsourcing, are potential sources of stress at work. Workers with such ‘atypical contracts’ (which have become all too typical) are more vulnerable than permanent, full-time employees, and, despite undertaking dangerous tasks in poorer working conditions they rarely receive the same level of occupational health and safety training. These new employment contracts also inevitably entail lower job security (Benach and Muntaner, 2007) and in periods of recession, such contracts become more widespread (Peck and Theodore, 2007).

Work intensification has long been demonstrated to have a major impact on worker well-being. Work intensification refers to increases in the pace of work but work *extensification*, working too many hours in the year is equally hazardous. The phenomenon of *karoshi* is under-reported, but over 10 million Japanese workers work excessively long hours and *karoshi* is defined as a level of working hours at which stress-related illness
becomes apparent and ‘permanent physical transformations including death’ occur (National Defence Council for the Victims of Karoshi, 1990).

Epidemiological evidence suggests a relationship between work organisation and health that can be examined using models linking specific aspects of work organisation to worker well-being, relating stress responses (psycho-social and physiological outcomes) to stress-generating conditions in the workplace. In the demand-control-support model of job strain proposed by Karasek and Theorell (1990), job strain (stress response) is a function of high job demands (pace of work, conflicting demands) and low job control (discretion over how work is performed). Low support (from managers and colleagues) can exacerbate the situation leading to isolated job strain (iso-strain). Siegrist (1998) proposed an alternative model where stress responses arise from an imbalance between effort and reward (remuneration and recognition). Effort is influenced by extrinsic factors (job demands and working conditions) and by intrinsic factors (personality and over-commitment).

Chandola (2010: 19) in a recent study for the British Academy noted that ‘work stress has been increasing in Britain since 1992’ and that ‘the 2008-09 recession has already resulted in increased levels of psychosocial work stressors’. These conclusions are consistent with studies reporting an increased incidence of work intensification and psychosocial work stress (Green, 2004; Stansfeld and Candy, 2006). Even before the recession, global competition was seen to be driving changes in the nature of work, promoting precarious employment and work intensification (Standing, 1997; 2009). Studies in Australia (Burgess and Campbell, 1998; Burgess and De Ruyter, 2000) and the US (Kalleberg, 2011) documented overall declining job quality, polarized labour markets and increasing precarious work over the last decades of the 20th Century. These changes were associated with a deterioration in health and safety (Barratt and Sargeant, 2008; Brenner et al., 2004; Quinlan et al., 2001) and an increase in occupational stress and job strain (Cooper, 2006). Evidence from an earlier recession in the US suggests stressful working conditions arose from reduced job control and increased job demands (Fenwick and Tausig, 1994). Gallie et al. (1998) challenged the claims in the 1990s of empowerment, increased worker autonomy and reduced management control and the British Skills Survey similarly confirmed that task discretion declined from 1992 onwards (Gallie et al., 2004).

The continued scale of restructuring is certain to continue to have negative effects on work and workers that will require renewed efforts from trade unions in responding to restructuring, combatting the growth of precarious work and protecting vulnerable workers. These questions are explored in the following sections.

**Traditional trade union responses to restructuring**

Trade unions appear to have had limited success in resisting restructuring in the current context and it is instructive to recall trade union responses to the earlier wave of restructuring in the steel and coal mining industries in the UK. The two sectors were comprehensively unionised public sector enterprises at the time of the election of the Thatcher Conservative Government in 1979. When in opposition, the Conservatives had developed a plan to restructure the public sector and privatise profitable assets for ideological as much as economic reasons. In July 1977 Nicholas Ridley drafted the Final Report of the Conservatives Nationalised Industries Policy Group, which was leaked by The Economist in May 1978. A Confidential Annex to the Ridley Report entitled ‘Countering the Political Threat’ laid out a framework for defeating the trade unions’ expected resistance to public sector restructuring. Among the recommendations was to award an above-average pay claim to workers in a ‘vulnerable’ industry, which was applied to workers in electricity generation; to choose a battle where it could be won, such as the steel industry; and to prepare for a coal industry strike by building stocks at power stations, making contingency plans for importing coal, encouraging the recruitment of non-union haulage firms to move coal stocks and introduce dual coal/oil firing in power stations (Winterton and Winterton, 1989: 146-151).

In the steel industry, global production over-capacity was apparent in the 1970s arising from a combination of increased production in newly-industrialised countries, adoption of alternative materials and process changes
that reduced demand in traditional markets (Froebel et al., 1980). Restructuring was accelerated by the 1973 and 1979 oil shocks since steel demand has historically been highly sensitive to the general level of economic activity, (Blyton, 1992). The 1977 Davignon Plan formulated by the European Steel and Coal Community, established mandatory production quotas to enforce capacity reductions in European steel production (Morgan, 1983). The British Steel Corporation was making heavy losses at the end of the 1970s and the Thatcher Government ensured that public sector funding limits would result in a derisory pay offer and provoke a strike over wages. The defeat of the steel strike in 1980 (Hartley et al., 1983) removed a generation of trade union activists and removed effective resistance to a massive restructuring programme involving closure or partial closure of steel plants, reductions in output and dramatic reductions in employment (Houseman, 1991). The restructuring was a success from a corporate perspective (Aylen, 1988) but created serious economic and social problems for steel communities (Beynon et al., 1991). Various initiatives to generate new jobs and promote retraining of displaced workers were limited by their reactive nature and did little to alleviate male unemployment in steel communities. For workers that remained in the industry there was increasing emphasis on functional flexibility to achieve further productivity improvements through better utilisation of the existing workforce rather than plant closures (Blyton and Bacon, 1997). Technological changes transformed steel work and required remaining employees to gain skills associated with automation and to have a more holistic knowledge of productive operations (Moinov, 1990). After privatisation in 1988, British Steel was increasingly exposed to international competition and merged in 1999 with the Dutch steelmaker Koninklijke Hoogovens to create Corus, which was subsequently acquired by Tata in 2007. Parallel mergers involved the French steel producer Usinor which merged with Arbed (Luxembourg) and Aceralia (Spain) in 2002 to create Arcelor, the second-largest steel producer in the world; its merger with Mittal Steel in 2006 created the biggest global steel player ArcelorMittal.

British coal mining was the most technologically advanced in the world by the time of the Thatcher Government and significant productivity improvements were anticipated with the wider implementation of the new technologies (Burns et al., 1983). Rather than using these productivity improvements to develop a depletion strategy and conserve coal reserves, they were translated into the closure of ‘uneconomic’ pits (Burns et al., 1985). In 1981 the Government withdrew announced closures as there were insufficient coal stocks to endure a stoppage. After Ian MacGregor was appointed Chairman of the National Coal Board the employer position hardened and the miners began an overtime ban in October 1983 that paved the way for the 1984 strike over pit closures. MacGregor brought into play the Mohawk Valley Formula, a strike-breaking strategy developed in the US steel industry (Winterton and Winterton, 1989: 172-3) and the ensuing conflict lasted a year with mass picketing, heavy policing and much hardship in the mining communities. In terms of working days lost and state resources dedicated to defeating the miners it remains history’s most significant industrial stoppage.

The miners’ defeat removed effective resistance to restructuring (Leman and Winterton, 1991) as well as to the privatisation that followed in 1993 (Wallis and Winterton, 2001). Technological changes both reduced employment levels and intensified work and to these supply-side measures were added demand-side market changes such as the substitution of gas-fired power stations and reduced demand from the steel industry. Total coal consumption in the UK decreased up to privatisation but since then has remained relatively constant, despite the continued decline of British deep-mined coal. The sterilisation of coal reserves associated with colliery closures has left the UK dependant on imported coal (60 per cent of which now comes from Russia) and is a prime example of the folly of applying market fundamentalism to energy resources (Winterton and Wright, 2010).

Neither the steel workers nor the miners had effective means to resist job losses on a massive scale and given the spatially-concentrated nature of coal mining and steel making, this dramatic decline had a devastating impact on regions (Bennet et al., 2000; Beynon et al., 1986; 1991; Waddington et al., 2001). The miners focused on opposing pit closures and did not succeed in establishing negotiations over changes in work organisation and technological changes which were the drivers of restructuring (Tomaney and Winterton, 1995; Winterton, 1991). The steel unions by contrast became engaged in negotiations over team working and
functional flexibility as well as new forms of work organisation, probably because the changes were so significant and required the acquisition of new skills (Blyton, 1993). A modern steel plant is nowadays highly automated and the predominantly white-collar workers sit at computer consoles controlling the process.

Another difference between the strategies pursued by the unions in steel and coal was with respect to promoting opportunities for training and development. The National Union of Mineworkers focussed on lobbying local authorities in the coalfields to stimulate economic regeneration, through for example the Coalfields Communities Campaign. By contrast, the Iron and Steel Trades Confederation (now part of the union Community), established Steel Partnership Training to engage with employers and communities in promoting opportunities for training and development. For workers remaining in the industry, training was necessitated by work reorganisation, but opportunities for learning and career counselling were also offered to workers likely to be made redundant and to members of their families. Despite these different efforts in both sectors there has been only limited recovery from this de-industrialization and redundant workers had few chances of finding alternative employment (Critcher et al., 1995; Hudson, 1989; Hudson and Sadler, 1989; Hudson et al., 1992; Parry, 2003). If there are lessons to be learnt from this period they point to the rather pessimistic conclusion that faced with market contraction, trade unions have little bargaining power unless there are major changes in work, such as the adoption of new technologies, that require workers to acquire new skills.

Trade unions and vulnerable workers

The above accounts illustrate the fundamental weakness of trade unions in resisting closures and job losses except where there are changes in the nature of work that provide openings for negotiation on new forms of work organisation and access to training and development. The cases cited above were of comprehensively organised workers with strong traditions of solidarity and in the period before extensive legal restrictions were placed on trade unions in the UK. In the intervening 30 years trade unions have been significantly weakened in most countries and global competition has led to substantial deregulation in most labour markets. These changes facilitated the increased use of various ‘non-standard’ forms of work which are associated with precariousness to the point that it is difficult to establish whether an employment relationship exists (Casale, 2010). The crises since 2008 further exacerbated labour market segmentation and inequalities between those in standard and non-standard work, as well as worsening the situation of vulnerable groups such as migrant workers, women, young workers and the poor (Ebisui, 2013).

Often the nature of vulnerability or precariousness makes it difficult for such workers to become organised, especially where they are in informal work (Bonner and Spooner, 2011) and lack of representation is another dimension of their vulnerability. Kalleberg (2009) identified the global challenge of increasing precarious work and job insecurity for established employment relations where collective bargaining has been built on assumptions of job continuity and maintenance of ‘standard’ employment. Indeed national legislation and institutional arrangements in most countries are based on some notion of ‘standard’ employment (Ebisui, 2013).

Temporary agency workers present a particular difficulty in that responsibility for negotiation is effectively devolved to the subcontracting company by the employer for whom the work is actually undertaken. Intense price competition between subcontracting organisations puts downward pressure on wages so some unions have sought joint bargaining with the client company as well as the subcontracting employer to improve terms and conditions for agency workers (Davidov, 2004). In many continental European countries agency workers are afforded better protection because they are covered by sectoral bargaining through extension arrangements (Spattini, 2012). However, such extension does not necessarily guarantee local representation or bargaining rights (Eurofound, 2002).
It should also be acknowledged that what has been referred to as non-standard or atypical work in recent decades has significant precedents in the 19th Century when precarious and casual employment was the norm in many sectors (Kalleberg, 2000). Cella (2012) argues that unions could draw on examples from history to develop appropriate strategies for representing highly skilled semi-independent workers as well as contingent workers with generic skills who risk being part of the working poor.

Trade unions were ill prepared for these dramatic changes and are rather ambivalent towards ‘non-standard’ workers tending to see them as a threat to the conditions of core employees or acquiescing in management’s use of contingent workers to manage fluctuations in demand for labour (MacKenzie, 2010). Delsen (1990) found European trade unions were generally defensive in relation to the flexible workforce and argued that they should promote part-time work as an alternative to insecure work. Nevertheless, drawing on evidence from unionised workers in Italy, the Netherlands and Sweden, Goslinga and Sverke (2003) found no difference in union turnover intentions between permanent and temporary workers or full-time and part-time workers.

Heery (2009) provides a useful framework distinguishing four different trade union approaches to contingent workers: exclusion; subordination; inclusion; and engagement. The exclusion approach involves opposition to the use of contingent workers and refusal to represent them to protect core employees from having their conditions undermined by those with less secure contracts. The subordination approach accepts contingent workers but as an employment buffer to protect existing members. The inclusion approach welcomes contingent workers into membership and attempts to negotiate comparable terms and conditions or have the contracts made permanent, thereby reducing inequalities and building solidarity. Engagement goes further in actively approaching vulnerable groups and providing support for them to become organised.

Ebisui (2013) cites several examples of successful union inclusion strategies to regularise non-standard workers by shifting them to direct and permanent employment. A common strategy to narrow the gap between standard and non-standard workers’ conditions involves using non-discriminatory principles or arguing on the basis of equal pay for work of equal value. In Europe, framework agreements concluded between the social partners resulted in Directives on part-time work (1997) and fixed-term work (1999) that guarantee the same terms and conditions are offered as to permanent full-time employees.

Migrant workers are also often vulnerable in the labour market and more likely to be in precarious work: as Meardi et al (2012: 19) put it ‘maximum risk and minimum “voice”.’ Employers tend to offer migrant workers less job security and less favourable working conditions; since they are used as a cyclical buffer they are more likely to be laid off in times of recession (Dench et al., 2006). The construction industry in Europe has become increasingly transnational and the unions have been ‘largely ineffective at including immigrants.’ (Lillie and Greer 2007: 575). There is clear evidence of connections between the expansion of forms of insecure work and rising numbers of economic migrants in the UK labour market particularly since EU enlargement in 2004 (McDowell et al., 2009) and in the current economic context, migrant workers are increasingly in jobs that are not accepted by indigenous workers (MacKenzie and Forde, 2009). It should also be noted that precarious jobs are disproportionately occupied by women (Vosko, 2010; Vosko et al., 2009) and members of ethnic minorities (Wills et al., 2010).

As with non-standard workers, trade union strategies with respect to migrant workers range from attempting to restrict their employment to protect ‘indigenous’ workers, making efforts to recruit them and developing special strategies for their integration into the mainstream labour market (Penninx and Roosblad, 2000). Traditionally trade unions viewed migrant workers as liable to exert downward pressure on earnings and called for restrictions on numbers, although in the last decade many unions have adopted more inclusive strategies (Fitzgerald and Hardy, 2010; McGovern, 2007). Undocumented migrant workers face particular difficulties but there are examples of successful struggles in France to regularise the employment of the ‘sans papiers’ (Iskander, 2007). A recent study of trade union responses in Germany, Norway and the UK to migrant workers from the new member states found considerable diversity at sector level (food processing, residential
care homes and construction) suggesting a ‘complex interplay of sectoral dynamics, national industrial relations regimes, EU regulations and the agency of individual trade unions.’ (Hardy et al., 2012). In an interesting comparison of trade unions and diversity management in Sweden and Germany, Stringfellow (2012) found different reasons for negative trade union responses to diversity management in the two countries. In Germany the unions saw this as ‘a top-down strategy for management to gain unilateral control over equality and anti-discrimination policies’, whilst in Sweden emphasis on differences was seen to aggravate inequalities: ‘in the current economic climate a unifying emphasis on equal worth and equal rights rather than a discourse of differentiation is likely to be less ambivalent’. (Stringfellow, 2012: 342).

Other vulnerable groups such as young workers, older workers, those with few qualifications or in unskilled work, long-term unemployed and handicapped workers have also been the focus of specific trade union initiatives. Young workers are concentrated in low-wage sectors where it is difficult for unions to organise and where there is substantial labour turnover (Haynes et al., 2005). In the current context in Europe youth unemployment levels are such that young people increasingly are forced to accept precarious and non-standard employment with inferior working conditions. The sectoral distribution of young workers is only part of the explanation for their low level of unionisation since they are also less likely to be union members in unionised workplaces, suggesting that unions have not developed adequate recruitment strategies (Waddington and Kerr, 2002).

Trade unions have supported initiatives in Europe to retain older workers in employment in line with European policy and resisted employers’ attempts to downgrade their terms and conditions in the Netherlands in 2006. In December 2011 the European Trade Union Confederation adopted a Declaration in support of ‘EY2012: European Year of Active Ageing and Intergenerational Solidarity’ to promote labour market participation of young and older workers particularly through employment and training measures. In the current labour market, older workers are more at risk of redundancy, as are workers with few qualifications and those in unskilled work. Often trade union action to support such groups is centred on improving access to training opportunities, which the next section explores in relation to those in precarious work and all vulnerable groups.

**Role of training and development**

The different approaches to training and development adopted by the British steel and coal unions mentioned above may have wider implications for the strategies that trade unions develop in the current restructuring crisis. There are parallels with the changing focus of European employment policy which since 1997 has targeted raising productivity and employment rates, rather than simply addressing unemployment. Unemployment is not the dual of employment since the working age labour force is considerably larger than the sum of the two. Whilst unemployment, especially youth unemployment and long-term unemployment, remained and remains a major policy concern, the European Employment Strategy designed in 1997 introduced a new logic with its emphasis on raising the employment rate. On the supply-side this logic introduced the notion of ‘employability’ and established mechanisms to encourage individuals to have a minimum level of basic skills and to access opportunities to learn new skills for emerging new occupations. The Lisbon Strategy adopted in 2000 and Europe2020 designed in 2010 reinforced this imperative on raising employment rates (Winterton and Haworth, 2013).

Some observers have criticised this emphasis on employability, seeing it as part of the paradigm shift from the Keynesian welfare state to a Schumpeterian welfare state (Serrano Pascual, 2009). Certainly in policy terms the inherent duality of employability is frequently neglected and ‘hollowed out’, focussing on individual characteristics on the supply side whilst neglecting labour market opportunities on the demand side (Brown et al., 2003; McQuaid and Lindsay, 2005). Notwithstanding these caveats, trade unions have shown considerable interest in supporting the development and maintenance of employability, whether for meeting new requirements of an existing job or to facilitate mobility to another sector or occupation.
In the UK when trade unions were systematically excluded from policy making over vocational training by the Thatcher Government, unions became the major advocates of learning at work, negotiating opportunities for training and development with employers and providing information, advice and guidance to employees (Rainbird, 1990). Seeking to influence training at the workplace, the TUC developed initiatives like Bargaining for Skills (Dundon and Eva, 1998; Heyes and Stuart, 1998), while individual unions had already introduced programmes such as UNISON’s Return to Learn (Munro and Rainbird, 2004). Under conservative governments the unions continued to be involved in developing training strategies at sector and enterprise level (Winterton and Winterton, 1994) and when the New Labour Government was elected in 1997 the TUC played a major role in shaping the policy agenda of workplace learning and in its implementation in partnership with employers (Munro and Rainbird, 2000).

Questions of employability and adaptability become central in a context of widespread restructuring where increasing numbers of workers face job insecurity and precariousness. Research in the EU steel industry demonstrates that trade union involvement in training is an essential part of protecting workers during restructuring, promoting adaptability for workers encountering new forms of work organisation and improving employability for those whose jobs are insecure. Steel Partnership Training (now Communitas) referred to earlier had considerable success in drawing down European funding to support learning in the steel sector. Many workers in the steel industry at the turn of the Millennium had no qualifications so much of the training activity focussed on basic transferable skills for those at risk of redundancy. Other learning opportunities were designed to address skills gaps of workers staying in the industry who needed re-training to for redesigned jobs. Establishing a separate division of the union to pursue these activities helped reduce the inherent contradiction facing trade unions of attempting to resist downsizing whilst simultaneously facilitating the employability of workers at risk (Wallis et al., 2003). Also working with the steel sector, Stroud (2012) argued that trade unions need to engage with training and workplace learning in more direct and involved ways than allowed for by current partnership arrangements in order to protect workers’ interests, promote worker development and to develop decent jobs. Unions need to reconsider their organizational capacities both within national contexts and across borders particularly through the EU Steel Sector Social Dialogue Committee and its steering group on Workforce Development, Recruitment and Retention.

Another paradox should be noted in relation to training: those most in need are least likely to be able to access training opportunities. Throughout Europe, more qualified workers have more opportunities for training and development than those with few qualifications. To combat this inequality in access to training, the so-called Matthias Principle (McCracken and Winterton, 2006), the British Trades Union Congress introduced Union Learning Representatives (ULRs), specialist lay officials who were trained to negotiate learning opportunities with employers and aid workers to access such opportunities. The New Labour Government elected in 1997 established in 1998 a Union Learning Fund (ULF) for England to finance projects proposed by trade unions to develop learning at work, particularly basic skills and ICT courses that would enhance access to further learning. Similar funds were established later in Wales and Scotland. In 2006, with financial support from the Government, the TUC reorganised its Learning Services division as unionlearn which also later took over the administration of the ULF.

Union-led learning was deliberately focused on ‘employees with low levels of educational attainment’ and ULR activities attempted to target those workers with basic skills needs’ (Wallis et al., 2005: 294). ULRs have been particularly successful in engaging employees holding no prior qualifications (Kersley et al., 2006) and those with numeracy and literacy needs who rarely have the opportunity to undertake employer provided training (Hollinrake et al., 2008). Advancing the interests of vulnerable groups, such as ‘workers with low levels of qualifications who have previously not had access to learning at the workplace’ has continued to be a major role of unionlearn (Rainbird and Stuart, 2011: 210). Findlay and Warhurst (2011: 125) concluded that Scottish ULF projects had ‘contributed, intentionally, to social inclusion priorities by encouraging participation by non-traditional learners, including ethnic minority, migrant and disabled workers.’ Similarly, a recent evaluation of unionlearn and the ULF confirmed that ‘union learning typically offered opportunities to
those traditionally excluded from employer provision and under-represented in terms of national profiles of learning’ (Stuart et al., 2013: 9). Such workers are invariably more vulnerable and at risk of labour market exclusion when in precarious employment.

Unionlearn has had considerable success in developing learning opportunities for migrant workers, establishing English language classes as a basis for accessing further education, including both vocational training and trade union activist training (Martinez-Lucio et al., 2007). A good example of an engagement strategy with migrant workers is the UNITE Justice for Cleaners campaign in London (Stuart et al., 2010). The campaign was underpinned by a ULF project that first provided English language training so these workers could understand their employment rights, have a common language for communication and participate in trade union training programmes for shop stewards, health and safety representatives and ULRs. Other unions, such as Community and the GMB also used English language courses as a vehicle for recruiting and organising migrant workers (Heyes, 2009).

There has been lively debate over union-led learning and detractors have seen this as a distraction from what are perceived to be the core activities of trade unions. Lloyd and Payne (2007) argued that acceptance of state funding in the UK compromised the capacity of trade unions to criticise the low skills equilibrium (Loyd and Payne, 2007). This new role is seen as ‘precarious’ since the state is willing to fund ‘unions as agents of policy’ but not to ‘re-regulate skills development or legally endow unions as bargainers for skills.’ (McIlroy, 2008: 305). Whilst accepting that the ULF approach has limitations, Rainbird and Stuart (2011: 206) propose a ‘critical engagement thesis’ arguing that unions should not be seen as ‘an “arm of the state”, but as agents capable of shaping the workplace learning agenda to benefit their own interests.’ Forrester (2004: 416) argues that ‘the employability framework that shapes and dominates what is to understood and practised as workplace learning by unions can be seen as unnecessarily limiting and constraining.’ However, as Stroud and Fairbrother (2008) noted in relation to restructuring in the steel industry, there is considerable demand from trade union members to enhance their employability to move to another sector or their adaptability to deal with changes in work organisation.

Another fear is that union-led learning might not result in a net increase in training but rather become a substitute for training that would (or should) be provided by employers. The empirical evidence for trade union influence on training is rather ambiguous but aggregate data generally show trade union presence to be positively associated with training activity. Whilst there is no clear correlation between the presence of ULRs and employer-funded training (Hoque and Bacon, 2008), neither is there evidence of substitution effects (Bacon and Hoque, 2009; 2010). Even if there were substitution effects, the success in engaging non-traditional learners is important since by definition these are workers that would not access training without the intermediation of ULRs. Since the crisis, inequality in access to training appears to have worsened in Britain with participation rates reflecting the polarization of the labour market (Lindsay et al., 2013), so the leverage offered by ULRs is crucially important.

There is growing evidence that union-led learning in the UK has developed distinctive agendas that support other trade union objectives (Wallis et al., 2005) and contribute to broader emancipatory aims (Donnelly and Kiely, 2008). Union-led learning can be a vehicle for organising and can support union revitalisation strategies by offering a new legitimacy at the workplace and an opportunity to establish partnerships with employers that go beyond traditional zero-sum bargaining (Healey and Engel, 2003; Warhurst et al., 2007). While training is often regarded as an area for consensus between employers, unions and employees, their interests are not entirely congruent, hence the importance of mechanisms of social dialogue to reconcile the different needs of employers and employees (Winterton and Winterton, 1994). Management support is crucial in developing learning at work (Wallis et al, 2005) and learning agreements appear to play a pivotal role in institutionalising union-led learning and promoting partnerships around the learning agenda (Stuart et al., 2013).
Conclusion

Throughout this paper contradictions have been highlighted in relation to trade union strategies to combat precarious work and protect vulnerable workers, summarised as three paradoxes. The first paradox is that trade unions have least bargaining power when they most need it to protect jobs. Similarly in relation to representation of vulnerable groups, the paradox is that those most at need of representation are least likely to be organised in trade unions. In relation to training at work, the classic paradox is that workers most in need of training are least likely to have (or to take up) the opportunity.

Dealing first with the possibilities for union action to combat precarious work, it appears that union-led learning may have the potential to address each of these paradoxes. There are most grounds for optimism in relation to the third paradox. Union-led learning is specifically designed to overcome the Matthias Principle and there is substantial evidence of the success of unionlearn and ULF activities in bringing a wide range of disadvantaged groups into learning. There are also possibilities for tackling the second paradox, even if the evidence is more modest, because developing learning opportunities for vulnerable workers can also be an effective organising tool, bringing those at risk of social inclusion into the unions and developing new activists from under-represented groups. The first paradox remains the most difficult to address but union-led learning does have the potential to address the challenges of restructuring, where employers can be persuaded that training to support high involvement work can produce mutual gains in terms of increased productivity alongside improvements in the quality of work.

Inevitably there are also limits to what unions can do to protect vulnerable workers and combat precarious work through union-led learning. In relation to the first paradox and training strategies as part of the response to restructuring, the major limitation is that managers need to share the aspiration of mutual gains but when the balance of power is in their favour they may take the traditional route of seeking economies and efficiencies at the workers’ expense. Indeed, more pessimistic analyses suggest that financialized economies are now so pervasive that capital market expectations take precedence so managers may not even have the choice of opting for more innovative solutions (Thompson, 2003). It may be that if the ‘high road’ option exists at all, it is limited to the most knowledge-intensive sectors where there is a need to retain highly skilled workers, such as aerospace and advanced medical industries. The limits to addressing the second paradox are perhaps less serious because typically trade union engagement with vulnerable workers is autonomous action that does not require employer collaboration, but the costs of developing learning and organising tools for vulnerable groups are substantial and the barriers (labour turnover, long hours, language to name but a few) should not be under-estimated. If there is most room for optimism concerning the third paradox, there are also limitations to the extent to which union-led learning can continue to develop training opportunities for non-traditional learners. Among the most important limitations are government funding and employer engagement: the continuity of such workplace learning opportunities clearly depends upon mechanisms of institutionalisation such as learning agreements.
References


