



(Still) Up to no Good: Reconfiguring the boundaries of worker resistance and misbehaviour in an increasingly non-union world

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(Still) Up to no Good: Reconfiguring the boundaries of worker resistance and misbehaviour in an increasingly non-union world

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Abstract

There has been significant development in the way industrial conflict and worker resistance has been analysed over the past fifteen years. While researchers have observed the quantitative decline of traditional forms of employee resistance, others have highlighted the diversity and range of more informal employee behaviours. As indicated below, there have been a range reasons for both the decline in formal resistance and in approaches to how resistance is viewed. However, a common tendency has been to overlook the role of institutional and industrial context. The following research into unorganised workers identifies the importance of institutional factors in reassessing assumed boundaries between formal (and often collective) indicators of conflict, and more informal instances of workplace misbehaviour.

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Introduction

Theoretical conceptions of worker resistance have traditionally focused on how individual workers and collective associations defend prevailing interests. Within much of the extant literature the tendency has been to assume that workers respond to managerial prerogative either formally or informally, that is through an exit-voice binary (Freeman and Medoff, 1984). Drawing on original longitudinal research among non-unionised firms in both Australia and Britain, this paper analyses the shifting theorisation around resistance and misbehaviour over the last fifteen years. It highlights structural conditions of the wage-effort exchange and the importance of contextual factors that reconfigure traditional dichotomies and gradients between resistance and misbehaviour. Given that the majority of workers in capitalist market economies now lack formal collective representation, the research suggests that a more inclusive framework is needed to capture dynamic variations of resistance.

Industrial relations traditionally focused on the institutions of job regulation through the practices and processes mediating workplace relations. This has been criticised as something of its time, with undue emphasis placed on the formal institutions such as trade unions and collective bargaining (Ackers, 2002). Conventions around pluralist industrial relations essentially saw the modification of workplace behaviour through collective bargaining and joint consultation as a process to institutionalise conflict (Flanders, 1965). In contrast, deeper sociological studies sought to illuminate the uneven and micro political systems underpinning workplace behaviour, including among other tactics worker sabotage, soldiering and go-slows along with other attempts to control and manipulate the labour process (e.g. Roy, 1952; Beynon, 1973; Buroway, 1979). Building on this tradition, Ackroyd and Thompson (1999) highlighted how employees temper and moderate the power and authority of employers by widening interpretations of workplace (mis)behaviour.

It is also argued here that misbehaviour (including important identity factors such as bullying and harassment) have become significant forms of resistance in their own right. For many workers who lack formal collective organisation, what is often viewed as misbehaviour (and therefore missed by structural measures of strike action or other formal protest) is under certain conditions resistance. As Roscigno et al (2009) recently argued, analysing broader notions of 'incivility' could help to incorporate the

social nature of much workplace conflict which emerges both vertically and horizontally.

As alluded to above, an increasing number of researchers have analysed resistance through the lens of cynicism, sexuality or gender, humour, cultural manipulation and corporate symbolism, ambition, or concepts of subjectivity, self-identity and self-distancing (Fleming and Spicer, 2003; 2007; Willmott, 1993; Hodgson, 2005; Kärreman and Alvesson, 2009). As valuable as such contributions have been, they nonetheless tend to downplay worker 'interests' against the changing and fluid context within which the labour process is played out (Thompson, 2005). For example Fleming's (2005) research on worker resistance at 'Sunray' outlines various 'culture programs' and paternalistic management styles within a call centre. However employee responses (largely based around cynicism) are often assumed to operate within a structural and regulatory vacuum. For example Fleming (2005: 60) noted that the 'construction of identity'...was bound by context and societal discourses relating to class, capitalism, and patriarchy', this is not elaborated with the potential potency of context treated as little more than an acknowledged footnote. He continues, 'the metaphor of production is appropriate here because it reveals how these resistant identities are realised when and where power is applied' (ibid). However the specific mechanisms of power are left unexplained. The resistance and the context of class, capitalism, patriarchy or power as it relates to the production process and workers at the firm remains unqualified, other than noting its potential importance as a mediator.

Particularly since the mid 1990s, much discussion about managerial control and employee resistance have taken place in an institutional vacuum. This has resulted in a virtual polarisation of theorisation about worker resistance and misbehaviour. In addressing these questions, this article draws on original and published research into worker resistance amid anti-union managerial strategies conducted over the last fifteen years in Australia and Britain. It argues that the boundaries between 'misbehaviour, resistance and conflict' are increasingly blurred: what have often been viewed as acts of misbehaviour actually translate to resistance given the changing structural and organisational conditions within capitalist labour markets, particularly in situations where workers are denied collective structures of voice and

representation. Arguably, the true distinctions between conflict, misbehaviour and resistance can only fully be understood when mediated by the political, institutional and economic context in which the labour process operates. As such the important question is not so much ‘what kinds of resistance can not be incorporated’, as posed by Fleming and Spicer (2007: 3-4), but rather ‘what forms of resistance remain when workers are denied access to the formal structural mechanisms that mediate managerial power and authority?’

This assessment of dialogues between managerial authority and employee resistance, recognises the role of subjectivity and identity in shaping resistance; however it also argues that structural constraints and contexts are equally if not more important. In the following section the research method is then explained, followed by a review of the form, scope, longevity and trajectory of resistance and misbehaviour among respondents interviewed in different settings over fifteen years. The paper concludes with a discussion about the importance of analysing resistance and misbehaviour through a more nuanced rubric of institutional, contextual and structural change.

Changing Contexts and dialogues of managerial authority and employee resistance

Over a century ago FW Taylor reinforced the need for managerial authority to focus production astutely around the evils (sic) of systematic soldiering through a division of labour (Taylor, 1911). Like the human relations scholars that followed, much of the research focused on how the management process could be designed to eliminate unproductive behaviour, thereby tipping the wage-effort bargain in favour of the organisation. Indeed much of the research was 'top down' in the sense that the focus remained within the management process itself, rather than understanding the firm from a variety of stakeholder interests (Fox, 1974; Freeman, 1984).

While there have been notable examples of research taking a more 'bottom-up' perspective on industrial wo(man) (Hobsbawm, 1965; Thompson, 1963), there remained strong imperatives to solving the ‘problem’ of labour. For example research into industrial conflict traditionally focused on established institutions and formally

recognised actors defending the broad interests of capital, labour and the state (Iremonger, Merritt, Osborne, 1973; Hyman, 1972; Flanders, 1970). However these preoccupations with 'divergences in institutional development', (exemplified by Zeitlin, 1987) downplayed important social, economic and political processes which shaped industrial conflict and the institutions created to manage these behaviours (Donovan Commission; 1968; Hyman, 1989). Over time this led to invisible in/formal, power/control binaries (Mumby, 2005) which often missed important social factors shaping organisational resistance, including issues such as gender relations (Pollert, 1981) masculinity (Collinson, 1992), occupational identity (Dundon and Rollinson, 2004; Ashcraft, 2005) and sexual orientation (Burrell 1992) to name a few.

Given the earlier preoccupation with formal actions and the aforementioned omissions of the past which resulted, research into worker resistance began to incorporate more informal behaviours. As well as looking at formal strike action, research began to look more explicitly at 'intentional actions ... which defy and violate organisational norms and expectations and core values, mores and standards of proper conduct (Vardi and Weitz, 2004). Similarly, Ackroyd and Thompson (2003, 2, 31) looked at 'anything at work you are not supposed to do', while Vardi and Wiener (1996) argued misbehaviour involved deliberate actions that contravened organisational norms as well as societal standards about appropriate conduct.

As they, and others attest, establishing unifying terms for the various ways employees might react to managerial authority has not been a straight forward task (Jermier, et al, 1994; Collinson and Ackroyd, 2005). As indicated elsewhere, resistance and misbehaviour often overlap, even though they may differ both in the nature of the behaviours as well as the perceived intent and outcomes of such actions (Ackroyd and Thompson, 24).

There is no doubt that debates around workplace regimes have taken a significant cultural turn in the past twenty years (Thompson and van den Broek, forthcoming). While there have been many twists and turns, the augmentation of traditional technical and bureaucratic managerial control developed into analysis of more normative approaches to labour control (Callaghan and Thompson, 2001).

Empowerment, quality excellence and workforce engagement have crept into the managerial lexicon, claiming to liberate employees from the collective shackles dominating previous epochs (Peters and Waterman, 1984; Pfeffer, 1998). However it has also pointed out that many firms shape and monitor their employees activities through combinations of cultural empowerment, engagement and enslavement (Grugulis et al, 2000; Smith and Tabak, 2009).

Over the last few decades, there has been a significant trend toward the representation of management and managerial control as omnipotent, and that employee dissent withers on the vine of peer and self subordination. While much panopticon imagery and arguments were often buoyed by the development of more sophisticated technologies (Zuboff 1988; Spitzmuller and Stanton, 2006), others argued that consumption and brand management also explained the decline of employee resistance. For example in relation to call centre operations, Knights *et al* (1999: 19, 20) proposed that employees ‘willingly turned themselves into self-disciplined subjects who put in performances without management having to use up resources in distributing rewards and sanctions’. The rationale behind this self-discipline was attributed to a ‘loyalty to the brand and to the customer’ which ‘diminished the necessity for control sanctions and surveillance’. Alferoff and Knight’s (2000: 2) research on telecommunications call centre workers at ‘Commsco’, further argued that ‘call centre workplace subjectivities meant that workers were embedded in organizational imagery, branding, service ideology and work...which ‘locked individuals into performance’ (*ibid*: 11). Workers commitment to deliver quality customer service also lead to ‘resistance’ in the form of employees escaping *into* work by sidelining quantity objectives in favour of delivering improved customer service. Similarly more occupationally prestigious workers, such as pilots, resist by ‘overtly consenting’ to managerial directives (Ashcraft, 2005, 69, 83). While gaining satisfaction from providing good customer service constitutes a highly dubious example of resistance, the more salient point is that many of these studies fail to provide or propose alternative mechanisms of resistance to contextualise behaviours. Indeed while the home-spun wisdom of the managerial guru literature tends to lack rigorous empirical scrutiny, drastic changes to the structural conditions under which employees work is also critical to analysis of worker resistance.

All Quiet on the Institutional Front

Amid the conceptual dominance of the HRM and enterprise culture literature, critiques were mounted to reinstate labour agency and employee resistance in particular (Thompson and Warhurst, 1995). While labour agency has been reinstated in more recent research, analysis of resistance and misbehaviour has taken a more discursive direction. These interpretations often presuppose post-structural discourse *as* evidence, rather than as one potential analytical device (see Putnam et al 2005). As argued elsewhere, a more serious neglect has been the tendency to ignore structural issues when analysing conflict by downplaying the regulatory, sectoral, occupational and institutional configurations that shape employment relations (Mulholland, 2004). Ironically, as one area of neglect (that is labour agency) was rectified, others (that is structure and institutional agency) have become more acute. For example, informal relations are very much shaped and constituted according to external pressures and regulations imposed on capital and labour, particularly within smaller non-union firms (Harney and Dundon, 2006). Crucially, the employment relationship, and the tensions which result from the production process more generally, remains *the* anchor variable on which much is mediated. The wage-effort exchange *is* the alpha and omega of analysis. As such transgressions into a new dialectic order of panopticon power and knowledge (re)generation means that the very kernel of the subject matter is becoming lost in the translation of polarised (re)interpretations of worker resistance.

Evidently, workers in capitalist market economies have experienced considerable change. Many non-union workers encounter labour market vulnerability, managerial harassment, bullying and work intensification (Pollert and Charlwood, 2009). Workplaces have also become increasingly more fragmented and the boundaries between employee and employer blurred through the use of flexible contracts, individualised management practices, outsourcing and de-layering (Grimshaw et al, 2004; Standing, 1999). Jobs are increasingly feminized and casualised, and workers experience less tenure, insecurity and work intensification. Above all, trade union membership (measured by density) has declined significantly in most industrial countries and collective bargaining has either ceased to exist for many workers, or has been relegated to a form of managerial communication rather than negotiation. In the

UK union membership has declined to an all time low of 27.4%; or 15.5% in the private sector (Barrett, 2009). In Australia comparative data shows union density to be just 19% of the economy as a whole. In the US union density is even lower at around 12% of the workforce (ABS 2008; Dixon and Fiorito, 2009; Briggs et al, 2008).

Similarly reported formal incidents of resistance have declined. During the late 1970s and early 1980s, strikes and lockouts in the UK averaged around 1330 incidents, involving some 1.5 million workers that resulted in almost 12 million days lost. By 2008 such incidences of conflict declined to 144 incidents, involving 500,000 workers resulting 700,000 days lost to industrial disputes (Economic and Labour Market Review, 2009). While precise cause and effect predications remain debatable, it is more than coincidental that the substantial decline of collective workplace organisation has occurred during periods of intensified geopolitical reconfigurations within nation States and market economies: Thatcherism in the UK, Regan in the US, and the Howard governments' neo-liberal assault on trade unionism in Australia all bear the hallmarks of a public policy endorsement for non-union forms of work organisation (Cooper et al, 2009). Even the New Labour agenda in Britain for a 'third way' political ideology is underpinned by laissez-faire market principles that favour the interests of capital over labour (Callinicos, 2001; Smith, 2009). Consequently, employer militancy espousing more assertive anti-union strategies, buttressed by government policy, has recast the structural and contextual milieu within which employee resistance and misbehaviour emerges.

The implications of union decline and non-union managerial strategies for workplace resistance are more complicated than measurable declines in strike and lockout activity. As Edwards (1995) has argued, the absence of organised strike action and union membership is not commensurate with industrial harmony or employee commitment. Union decline can in fact demonstrate a fear of management and an abuse of the managerial prerogative and is not simply a matter of employees *choosing* to opt out of union membership. Whilst it may be that workers lack the power to collectively organise, it is evident that resistance and misbehavior takes place in other ways. Indeed, it remains unclear when misbehavior is evident, whether this is spontaneous or part of a deeper and more ingrained workplace culture (Grugulis et al,

2000). Above all, the increasing prominence of a non-union workforce does not mean employee acquiescence or retreat. For example the UK's Unrepresented Worker Survey (URWS) of 501 low paid unorganized workers revealed that employees respond to a multiplicity of 'problems' at the workplace by deploying various tactics. After pay, Pollert and Charlwood (2009: 350, 356) found that the most important issue non-union workers sought to resolve was that of work stress and bullying.¹ Their research highlighted that 86% of workers who had a problem at work attempted to resolve the issue they reported, with 28% attempting to resolve it through collective means, group discussions or delegations to management. Apart from several exceptions (Dundon and Rollinson, 2004; van den Broek, 1997; McKinley and Taylor 1996) much of the extant literature has neglected (what now comprise) the majority of employees in the labour market: that is non-unionised workers themselves, who tend to be marginalized' (Pollert and Charlwood (2009:357).

In part this reflects the difficulties of research access and data collection. However it also reflects a more substantial problem with much of the non-union literature which tends to paint an either/or picture of union 'suppression' or union 'substitution'. For example on the one hand, companies such as IBM, HP or M&S are cited as exemplars of good human relations that 'substitute' the triggers to unionization and therefore workers have no need to resist or challenge management. At the other end of this simple dichotomy is the sweatshop or exploitative small firm that 'suppresses' union demands. In this context any resistance is met with more brutal forms of managerial intimidation that means, for workers, resistance is either futile or self-defeating. The problem here is that 'either/or' categories of union avoidance tend to oversimplify and polarise practices that are often more complex. Indeed, there is evidence to suggest that 'substitution' and 'suppression' often overlap and coexist, even within the same organization (Dundon, 2002; Gall, 2004). Here resistance and misbehaviour take on very different meanings for workers who are denied formal structures of representation. In short, against a changing industrial landscape and labour market configuration, the majority of workers who are unorganized and have sought more

¹ In order of importance, issues ranged from pay, work stress or bullying, workload, job security, working hours, contract or job description, health and safety, opportunities, taking time off, discrimination. Pollert and Charlwood, 2009, 350.

subtle and innovative ways to challenge managerial power and authority. This goes to the heart of the questions we posed earlier and constitutes what follows below.

Methodology

This article draws on several qualitative research sources collected by the authors between 1994 and 2004. It is different from conventional monographs, in that it does not follow a prescribed set of objectives and research questions, from which interview schedules are then designed. Rather the project emerged from the authors' recognition that each had been working on very similar research projects concerned with non-unionism, the changing nature of work in the absence of collective representation, and anti-union managerial strategies. In aggregate a data set existed that covers eight original case studies, with a total of 118 respondent interviews. In four of the non-union firm, nine of these respondents were union officials who had experience of the company and its anti-union or union recognition approach.² The original case research is supplemented by debates undertaken in existing published work into non-union resistance and misbehaviour in both Australia and Britain. Of course there are limitations to such an approach, not least the retrospective nature of reviewing interview transcripts for a paper not specifically or explicitly led by any overall objective.

However there are some key advantages to such a research design, especially the international and longitudinal nature of the data collected over almost fifteen years. Furthermore, some of the deeper and richer sociological studies on workplace relations have a tendency to identify emergent themes post-research (see for example Dundon and Ryan, 2010). Further scrutiny of the aims of our various research projects showed that the data offered considerable scope for integrating the evidence along several unifying and emergent themes that are important to contemporary labour process analysis. Significant amongst these was the experiences of non-union workers within different sectors of economic activity; among large, small and multi-national organisations; and the inclusion of evidence across a broad range of occupations and work skills. Many of the organisations and workers we have been interviewing have

² Further details are summarized in Table 1 in the Appendix.

encountered considerable contextual and structural change, including privatization, redundancy, outsourcing, managerial restructuring of work, and most particularly an increasingly more assertive managerial prerogative in resisting unionisation (for examples see van den Broek, 1997; 2008; Dundon, 2002; Dundon and Rollinson, 2004).

Ultimately, the ex-post research approach allowed us to assess changes over time in a more holistic way than shorter or snapshot case reports. In this way the variability of contextual and structural change over time provided a sensitizing framework against which to address the research questions about resistance and misbehavior posed in the introduction – namely to what extent do structural and contextual changes mediate such worker behaviours? This enabled the design of a sensitizing framework based on a number of important contextual and structural dimensions. These included: industry sector; market factors, such as the competitive pressures facing the workers interviewed; the nature and scope of managerial anti-unionism encountered by unorganised employees; the workplace regime, in terms of size and structure; and possible discourses of occupational solidarity and identity. Table 1 in the Appendix is presented using this sensitizing framework. The final column also gives an indication of the categorization of resistance found in each case study.

Findings

Using the framework described above (see Table 1, Appendix) four general types of resistance were identified:

- i) *resisting managerial anti-unionism through worker identity;*
- ii) *informal and formal collective resistance;*
- iii) *individual forms of mischief as resistance;* and
- iv) *tactics to circumvent management authority.*

It is the contention that these episodes, which may have been treated as misbehaviour according to earlier and more conventional considerations of worker behaviour, are, in fact, quite radical forms of resistance given the structural and anti-union threats posed by employers in the firms studied. The argument that prevailing institutional and

contextual milieu is an important mediator neglected in extant theory on the subject of worker resistance and misbehaviour.

i) Resisting Managerial Anti-Unionism through Worker Identity

The response by workers to managements' (anti-union) action was symbolic of highly significant forms of resistance. Above all, worker responses to management demonstrate that labour is an important agent capable and willing to resist managerial authority, despite the absence of formal systems of collective representation. In the TEC, for instance, a number of respondents explained they would distribute and circulate literature in support of a union recognition campaign. Importantly, workers had to engage in this action in covert ways given the anti-union stance adopted by management. Indeed, workers at the TEC also found management had been intercepting mail addressed to individuals thought to be "*fraternising*" with the union. More dramatic and public, at Mini Steel one employee (a former union steward at the plant) refused to relinquish his union membership when asked to do so by management. He was subsequently sacked for his continued allegiance to the union and defiance of management. Senior management explained that the compensation the individual would obtain at an Employment Tribunal "*was well worth it to remove a union activist*" (the individual did successful win at court for unfair dismissal owing to union activities).

Anti unionism was also endemic at Servo and Tellcorp (van den Broek, 2003, 2004). CSRs at Servo felt too 'afraid' to talk to unions directly if they sought access to the firm because of 'the whole corporate monoculture' where trade unions weren't seen to have a place'.³ Similarly a major example of the union stance adopted at Tellcorp is reflected in an internal email from managers during a large downsizing operation in 2000. The memorandum advised team leaders that workers on individual non union contracts should be retained at the expense of workers on collective award and enterprise agreements. The memo from the Director of Employment Relations to team leaders advised that: 'Staff members who have transferred to individual contracts have placed their trust in their managers and the Company to create a work environment that reinforces respect and dignity for the individual, and which places

³ Interview CSR Servo 1996.

primary emphasis on productive relationships in which individual accountability encourages each person to contribute to his/her potential. Managers must not under any circumstances compromise these important values in the way they implement cost reduction initiatives which lead to staff reductions. (van den Broek, 2003, 530)

Although often hidden, illicit union involvement was an important form of resistance in anti-union firms. Five workers (two at Mini Steel; and one at ChemCo, DeliveryCo and WaterCo) volunteered the information that they were active union members. At Mini Steel this was due to the legacy of a formal collective agreement in which the union was recognised by management, and union membership may be expected in a situation following union de-recognition. However, at Water Co union membership existed against an increasingly anti-union management ideology. The employee, a delivery driver, explained this was because he expected he would need protection at some point in the future. At DeliveryCo one call centre operative commented she was a union member as a matter of principle, while at ChemCo union membership related to the employee's craft status and long history of unionisation for his occupation.

Evidently, as indicated above, employee resistance and misbehaviour become all the more potent when it is understood how far organisations go in maintaining a non-union workplace regime and the apparent ease at which employers exercise their (ab)use of power. Thus the anti- and non-union actions of employers cannot be divorced from the responses of workers, many of which coalesce around a distinct collective identity which found ways to question and challenge management objectives. At times this identity also transcended into other, more distinct forms of collective resistance, in both formal and informal ways, reported next.

ii) Informal and Formal Collective Resistance

Collective forms of resistance were not widespread, although where found they were organised to some extent, or at best consciously realised as a form of resistance. At Mini Steel workers, with the backing of the de-recognised trade union, challenged the employer's anti-union behaviour with public campaigns targeted at the Personnel Director. He would be portrayed on fifteen-foot posters as the Tin Man from the Wizard of Oz (a man with no heart), or a macho manager characterised as Arnold

Schwarzenegger in the role of the *Terminator*. Other tactics included advertising union meetings at a given venue but holding it somewhere else to avoid management observations. During one event a group of employees turned up for their weekly groceries at the local supermarket in the early evening, only to exit at the rear and reconvene at another venue to hold a union meeting away from the watchful eye of management.⁴

Similarly against the strong anti-union sentiments expressed by Servo management, collective action was evident. For example, the issue of increased workloads and managerial pressure to reduce call-waiting times led to noticeable pockets of collective resistance. Call centre operatives at Servo bonded together and opposed the introduction of 'call forcing' (a system whereby calls are automatically dropped into employees headsets). CSRs presented their supervisor with a petition registering their opposition to the introduction of call forcing and their inability to deal effectively with customer inquiries. The petition indicated their belief that customer queues developed from under-staffing rather than from unsatisfactory employee performance. The petition stated:

as there has been no quality circle or our voices heard regarding this matter, we just thought that you should know what we think. The ... queue is 50 per cent outbound and 50 per cent inbound--the problem lies with the fact that we are understaffed, not the period of time it takes us to answer the phone.

The supervisor indicated that he would not respond to the petition, stating that if CSRs had any issues to be taken up they would need to be taken up individually with management, rather than as a group.

⁴ It is perhaps not insignificant that since the research at Mini Steel in the mid 1990s, the company has since signed a union recognition agreement and the (offending) Personnel Director removed by the board of the company, a German-owned multinational.

Perhaps one of the less organised and more spontaneous forms of collective and direct resistance occurred at Water Co. Briefly, drivers at one of the sites were in charge of a company vehicle. Management decided that all employees could no longer use company vehicles outside of working time⁵. Consequently, employees were required to make their own travel arrangements to and from work. Workers viewed this as the removal of a long established 'perk'. Employees responded by all arriving for work late, claiming public transport disrupted travel times, especially for employees on shift patterns starting work at 6am. These responses were facilitated to a large degree by a close-knit working identity among those at the site. While some employees had their own transport, others did not, and reliance on public transport proved to be more disruptive for the company than it did for workers. One delivery driver explained:

It wasn't that we were deliberate, I mean we didn't sit down and work out what we'd do ... I suppose we just knew that if we didn't give one another a lift, Kenny would have to sort something out.

In short, there was no formal dispute, although workers did discuss the issue 'in passing' or during break times. Concerns were expressed by several individuals to the site manager. Importantly, what developed was an 'understanding' between workers (and possibly the supervisor) that their own actions of 'not' giving one another a lift to work would be more disruptive to the company than it would to themselves. On a scale of collective action and resistance, habitually arriving for work late hardly constitutes the type of industrial conflict reported in government statistics or the traditional conflict literature. It could reasonably be described as a form of misbehaviour, even mischief. However, within the context of an increasingly anti-union and self-confident managerial prerogative articulated by Water Co management, coupled with the small social setting evident at Water Co, workers developed strong and solid bonds of identity and solidarity, despite the absence of a union conduit. In this instance, what can be viewed as misbehaviour is appropriately recognised as a highly significant form of resistance. Interestingly, after only a few

⁵ This was to lower insurance costs.

days the 'perk' was soon restored by management at the company's head office. Again in terms of intended outcomes, this is akin to resistance

iii) Individual forms of Mischief as Resistance

Forms of misbehaviour at Mini Steel included targeting very personal messages and slogans at the company's HR Director. In one episode of sabotage, an employee known amongst co-workers as the 'Scarlet Pimpernel', would pepper the walls of the plant with graffiti, describing the Personnel Director as Napoleon Bonaparte, amongst other insulting slogans (see Bacon, 1999; Dundon, 2002). Respondents interviewed claimed not to know the identity of the individual. However this direct challenge to managements' anti-union message represented a significant boost to employee morale.

At Water Co individual workers found it necessary to challenge supervisors in very direct and at times assertive ways, reflecting a particular macho or tough work regime in which language, banter and aggression were part and parcel of the labour process. In many ways employees recognised there was an abuse of the managerial prerogative and responded in various ways. On several occasions full-blown shouting matches were observed, usually concerning some allegation of favouritism between supervisors and other workers. It was often claimed by employees that certain drivers were given easier deliveries, with known customer sites generally regarded as the more lucrative jobs because of multiple drops at one location helped boost bonuses. Other examples included employees 'ignoring' instructions to finish their coffee break and load vehicles. Indeed, despite threats of discipline from the supervisor, employees would hardly acknowledge they had just been told to carry out their work, even though they knew their break time was over.

By contrast call centre workplace regimes were neither macho nor tough, but rather tough love. Instructions were certainly ignored at times and threats were made, but this was usually done in less interactive, less overt and often less successful ways. For example during the negotiation of a new agreement in 1995, Servo staff were called to meetings. However when one CSR criticised shift worker allowances, she was 'howled

down' by personnel staff and team leaders.⁶ Another stated that staff who voiced opposition were met with aggression, thus discouraging staff from volunteering feedback, rather deciding to put anonymous feedback in the suggestion box because they felt 'was the only appropriate way that we could do it'.⁷

iv) Tactics to Circumvent Management Authority: the control of output

At several of the case study firms workers across various occupational groups resorted to individual behaviours to circumvent and ameliorate management demands to manipulate work output. At TEC employees responsible for planning training events for staff at local business would consciously take longer than was necessary to do their work. Examples ranged from delaying a training event for days or weeks, claiming that certain procedures, such as training audit of the staff involved had to be completed, when it was done several days before. At ChemCo some of the higher paid and higher skilled technicians explained they would often by-pass company procedures concerning quality. These employees spoke of management 'making their jobs more difficult'. One technical engineer remarked:

I'd say most of us have to circumvent [quality operating procedures] because they just get in the way, especially if we're working to time critical deadlines" (Technician, ChemCo)

Importantly, it was not just the higher-end occupations that had the capacity to control their work output as way of circumventing managerial authority. At MotorCo mechanics explained they would collude with warehouse staff so they could repair a component part (e.g. a starting motor) by saying there was none in stock. This took longer and was often cheaper for the customer. It was also in direct conflict with managements' policy of fitting replacement parts: a new part was a sale for the company and quicker to fit, which speeded up the mechanics job.

⁶Interview CSR, 1995.

⁷Interview Employee (OE10),17.4.96.

A further observed technique in this area was 'foiling management surveillance'. For example, although not informed about when they were being monitored, call centre workers at Servo and Telcorp reported how they learn to 'recognise' when monitoring takes place in their workplaces. These workers would control the pace of their work by engaging in the regular practice of 'flicking'. Here CSRs hang up on customers, redirect calls to other areas of the corporation or to other firms, or leave customers waiting for lengthy periods (van den Broek, 2002). Similarly, at Delivery Co couriers spoke of finding 'their own space' while under pressure to deliver parcels under very tight schedules. These workers were subject to technological surveillance in the vehicle, which provided management with a detailed breakdown of their routes, speed and whether they were 'on target' to deliver to client premises on time. Drivers would stop and claim they were held up in traffic as a way to obtain a degree of control of their own work. Occasionally this was used to consciously deliver 'late' in response to managerial pressures. One courier driver at DeliveryCo explained:

You can't get away from the NavManager ... We all have a few places we know to grab a few minutes, usually just on the edge of a ring road or lay-by on a busy route There's no way [manager] can tell if you're stopped or in traffic)

While such 'soldiering' episodes have featured in some of the classic labour process studies (Roy, 1952; Buroway, 1979), the significance here is the continued endurance of such worker behaviours under very different workplace regimes. Indeed, activities to resist managerial authority and waste company time appear to be growing in contemporary workplaces. For example, the 2008 Time Wasting Survey (www.salary.com) of 2,500 US employees across all job levels show a 10 percent increase from the previous year's study. Primary reasons reported were dissatisfaction with work and feeling underpaid for their work.

Summary and Conclusion

Rather than analysing resistance and misbehaviour that ‘threatens and hurts nobody’ (Contu, 2007:14), or typologising resistance and misbehaviour as a self-embroiling post-structuralist tomb of (self imposed) gloom, this paper analysed employee resistance within an anti-union contexts. It argued that while research may have successfully put labour and resistance back into research (even if it might be of a dystopic nature), much of it has failed to restore important structural and contextual work milieu which remains central to misbehaviour and resistance.

Further what is often portrayed as types of misbehaviour can in fact substitute for more assertive forms of resistance for workers denied the opportunity for collective systems to channel their actions. At both WaterCo and DeliveryCo, for example, workers found ways to circumvent change in ways that resembled forms of collective solidarity: at WaterCo workers consciously turned up late for work in response to unilateral managerial decision-making; at DeliveryCo drivers found ways to obtain time; at Servo employees presented petitions to management opposing work intensification and got-back at management by ‘flicking’ customers. These activities, under conditions of managerial hostility to unions and growing market pressures based on price sensitivity, were all employed to resist and/or circumvent the prevailing workplace regimes imposed by managers.

Above all, these incidents focus on those unorganised and often vulnerable workers in the labour market who may not have access to formal unionised systems of representation and protection. Given that the majority of workers in capitalist market economies now lack formal collective representation, this research shows that reliance on traditional (and often formalised and collective) indicators of resistance are limiting analytical tools. As such in order to capture dynamic manifestations of resistance a more nuanced framework is needed to understand contemporary manifestations of industrial conflict and employee behaviour. The anchor of such a framework, we argue, is the changing contexts in which the labour process takes place. This includes large and small firms, union and non-union workers, and variations in managerial strategy that often seek to de-collectivise the labour process.

Although proxies of strikes and lockouts have utility, the problem remains that these only record one particular manifestation of resistance. Nor do they offer the explanatory and analytical tools required to understand the complexity of worker (and managerial) behaviour. Of course assessing informal incidences of resistance and misbehaviour are difficult to both locate and quantify. Nonetheless, it is these forms of behaviours that are increasingly more and more critical in understanding how industrial relationships are developing in a variety of industrial and occupational settings.

Amid new forms of work organisation – so-called flatter and leaner managerial structures and disorganised organisational hierarchies – and the changing institutional workplace regimes, the boundaries between what is often perceived as misbehaviour on the one hand, and resistance on the other, have been increasingly blurred. Despite its increased confiscation into more ambiguous and discursive territories, the contractual nature of the employment relationship remains central to understanding the nature of both resistance and misbehaviour. While Ackroyd and Thompson (2003) differentiate actions, they argue that misbehaviour should not be seen as a junior version or alternative to trade unionism or as a generic term which replaces, or leads to, resistance. It's 'just different' and 'it is there' (2003, 164). Leading on from such differentiations, this paper contends that workers have been resisting managerial directives and 'getting up to no good' in a multitude of ways depending on the changing structural conditions underpinning workplace and institutional regimes. Above all, misbehaviour is more than 'just there': it is conditioned, shaped and re-configured by the political, institutional and economic context in which the labour process operates. Indeed the contention here is that it is *specifically due* to wider institutional changes, such as the decline of traditional or more formalised institutions of industrial relations that we need to (re)consider individual and localised forms of agency within the wider political economy of workers' motives and actions.

Finally worker identity has been an important factor in shaping resistance. However, such identity makes more sense when it is understood within distinct contextual constraints. While there is a need to reclaim the indeterminacy of labour back from the indeterminacy of identity (Ackroyd and Thompson, 2003), there is also a more fundamental requirement to locate the indeterminacy of labour within specific institutional or structural contexts in which resistance and misbehaviour emerges, evolves and is played out at the point of production/service delivery. Such a move would allow for a greater understanding of employee resistance within its political and industrial (as well as its identity) context.

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Appendix 1: Case Studies: 1994 -2004.

| Case | Contextual Dimensions and Framework | | | | | N=respondents interviewed | Observed resistance-misbehaviour |
|------------|--|---|---|---|---|--|---|
| | Sector and Context | Markey position-competitive standing | Anti- and Non-union managerial strategy | Workplace regime | Occupations | | |
| Mini Steel | German-owned MNC; set-up in South of England mid-1970s; Steel manufacturer. | Experienced significant market decline in 1980s; moderate growth in 1990/2000s. | Union derecognised in 1992; Aggressive intimidation of workers in pursuit of non-unionism. | Medium-sized: 500 employees, mostly manufacturing steel workers. | Manual workers Senior managers | 10 2 Plus 1 union official | collective identity resistance; informal individual mischief formal collective resistance |
| TEC | Privatised local authority training body; outsourced in early 1980s; North of England; Private training services | Growing market share of services (training provision) to private companies and other public authorities; shift from public service provision to profit-making business. | Refusal to recognise union requests for recognition in early 1990s; some marginal intimidation of workers joining unions; use of non-union voice channels to resist union activity. | Small: 75 employees, all clerical and professional service staff | Clerical employees Team leaders | 3 2 Plus 1 union official | collective identity resistance; informal individual mischief circumvent mgmnt authority |
| ChemCo | Indigenous chemical plant, started mid-1870s; North West of England; Manufacturer of intermediary chemicals (e.g. paint additives, dies) | Moderate market growth; long-term production schedules with 3 to 5 year client contracts; increasing dependence on supply chain customers, most large corporations. | Managerial approach mix of autocracy, unilateral decision-making and benevolence; non-union works committee created to avoid union demand. | SME: 130 employees, mostly production operatives; small number of technicians/engineers | Production line workers Technicians/engineers Senior managers | 4 2 2 | formal collective resistance; informal individual mischief circumvent mgmnt authority |
| WaterCo | US-Canadian MNC; Bottled mineral water to industry and retail trade. | Significant market growth; product price sensitive US-owned mineral water company employs 120 workers across several UK sites: delivery drivers, process operators and clerical staff. Started in 1987 with fastest growing market share in the UK. | Aggressive hostility to unionisation; victimisation of workers; dominant anti-union managerial ideology. | Small-to-Medium-sized: 120 employees; three plants in UK; call centre employees, process plant operatives, delivery drivers, sanitation engineers | Call centre operatives Delivery drivers | 3 6 | collective identity resistance; informal individual mischief formal collective resistance circumvent mgmnt authority |

| | | | | | | | |
|-------------|---|---|---|---|---|------------------------------------|---|
| Delivery Co | US-owned MNC; Several sites across UK; Parcel delivery company. | Moderate market growth; service based on price, quality and speed of delivery. | Sophisticated HRM; extensive non-union voice channels; promotion of strong corporate culture as disincentive to unionisation. | Large: 53,000 employees world-wide. UK workforce of 3000; delivery drivers, clerical and sorting office staff, call centre employees. | Call centre reps Delivery drivers Clerical/office staff | 2 6 4 | informal individual mischief circumvent mgmnt authority |
| MotorCo | Family-owned franchised BMW dealership; North England; Sale, service and repair of BMW cars and trucks. | Moderate market growth, especially new fleet vehicle contracts which increased servicing and mechanical side of business. | Shift from informal paternalistic family control to more bureaucratized personnel management approach through formal policies; preference to avoid unions but little sign of anti-unionism. | Small: 65 employees, including motor mechanics, clerical, warehouse staff and sales reps | Warehouse employees Sales Mechanics Owner-manger | 1 2 4 1 | collective identity resistance; informal individual mischief circumvent mgmnt authority |
| Servo | US-AUS-owned MNC; Telecommunications technologies; call centre operations | New entrant into monopoly telecommunications sector | Strongly resistant to unionisation – Greenfield site. Some intimidation of workers attempting to unionise but largely relied on sophisticated HRM policies and selective recruitment | Large: Over 5,000 employees in Australia- second largest telecommunications firm technicians, clerical and office staff, call centre employees. | Call centre reps Sales | 17 13 Plus 3 union officials | collective identity resistance; informal individual mischief formal collective resistance circumvent mgmnt authority |
| Tellcorp | Publically-owned; Imminent threats of privatisation; call centre operations | Experienced significant market dominance through monopoly in telecommunications sector throughout long history | Shift from formal bureaucratic paternalistic personnel management approach involving formal policies and high unionisation to overt union antagonism and individualisation strategy amid significant downsizing | Large: Largest Australian telecommunications firm employing technicians, clerical and office staff, call centre employees. | Call centre reps Sales | 13 12 Plus 4 union officials | collective identity resistance; circumvent mgmnt authority |
| | | | | | | Total 118 | |