Mobilising contingent workers: the importance of cultures of solidarity

Abstract

This article examines two cases of successful efforts by UK trade unions to mobilise contingent workers. The evidence strongly illustrates the explanatory potential of Kelly's mobilisation theory (1998) and deepens understanding of how mobilisation processes work within unions. The findings emphasise the importance of officers and activists in framing collective interests as 'cultures of solidarity' (Fantasia 1988). Solidarity both within groups of contingent workers and between them and the wider union are both essential for successful mobilisation. Building solidarities helps these workers overcome their inherently weak position in the labour market; a process that is essential to understand in greater detail if we are to understand union revitalisation efforts more widely.

Keywords: mobilisation theory, solidarity, union renewal, trade unions, contingent workers

Word count: 8070

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Introduction

Trade unions face considerable challenges presented to them by shifts in the labour market over the past 20 years. As the labour market has changed to include large numbers of workers who have not traditionally been included within the trade union movement, unions have struggled to organise in new sectors and to retain power and influence (Simms and Charlwood 2010). At the same time, opportunities to build traditional notions of ‘class solidarity’ as a defining union identity have diminished. This raises important questions about how unions seek to engage workers who not only have a contingent status as workers, but who are also ‘atypical’ of the trade union movement. We use the term contingent workers in its generally understood sense of contrasting with ‘standard’ workers on open-ended, permanent contracts; for instance in the form of freelance, short-term or agency work. The focus here is specifically on fixed-term workers with varying degrees of attachment to specific workplaces.

Taking this definition, contingent workers account for between 7 and 8 percent of the British labour force (Labour Force Survey 2011). Although these forms of employment are far from being the ‘norm’, they nonetheless present us with interesting questions relating to experiences of work. Even fewer are unionised, although because of the small numbers involved it is difficult to estimate this with any degree of accuracy. And it is extremely rare to find groups of contingent workers who are not only unionised but who have mobilised through their union. Nonetheless, examining examples where these workers have gives important insight into the factors that facilitate and limit mobilisation. Perhaps more importantly, this study also allows us to comment on unions’ efforts to engage groups of workers who do not conventionally use class solidarity as their main union identity which has wider implications for unions as they seek new ways of collectivising, mobilising and forming solidarities amongst groups of workers that have traditionally been ‘atypical’ within the trade union movement.

This paper therefore examines two unionised groups of contingent workers who have mobilised in an effort to improve their terms and conditions of employment. We focus on fixed-term workers in universities and other higher education institutions represented by the AUT¹, and performance artists in Equity. We argue that the mobilisations were made possible thanks to the pre-existing structures of job regulation and, crucially, the ability of the unions to build “cultures of solidarity” (Fantasia 1988). However, very serious challenges remain to the broader prospects of union revitalisation. Although the limitations differed between the two cases, it is clear that these workers do sometimes face challenges within their own union in ensuring their interests are represented. Equally, these are both groups who are strongly attached to their professional independence and this can present challenges to unions when they seek to ‘blame’ managers for the work problems identified.

¹ The AUT merged with another higher education union (NATFHE) to form the University and Colleges Union in July 2006. We continue to refer to AUT in this paper because the majority of the research was undertaken before the formal rules and structures of the new union were agreed in June 2007.

Mobilising contingent workers

Heery and Abbott (2000) identify five approaches that trade unions can use when seeking to organise and represent non-standard workers; exclusion, servicing, partnership, dialogue and mobilisation. This paper examines two examples of cases where non-standard workers have mobilised, supported by their unions. These cases provide insights into the processes involved in mobilising these workers who, on initial evaluation, appear to have little labour market power and many constraints to their ability to mobilise. Central to the process of mobilisation is the ability of these workers to build solidarities both within their own group, and with other groups. We therefore seek to comment more broadly on the process of solidarity building.

Kelly (1998) rightly directs our attention towards the processes involved in workers' mobilisations and proposes a five stage process derived from McAdam's model of collective action (1988) which itself derives from social movement theory (Tilly 2004, Ness 2004). Mobilisation theory necessitates that workers perceive an injustice, that there is a process of social identification whereby that injustice cannot simply be 'explained away' and is seen as a collective issue. Crucially the 'cause' of the injustice must be attributed to an 'out' group (in the case of most worker mobilisations, management). Finally workers make cost-benefit calculations (often implicitly) about the likely outcomes of any action and eventually take collective action. Kelly argues that mobilisation theory places considerable emphasis on examining the power relations involved in collective mobilisation and it is the processes involved in securing power resources and building 'solidarities' (Fantasia 1989) that is at the heart of the analysis presented here.

Fantasia's discussion of worker solidarity (1988) gives us an important framework through which to understand processes of mobilising within trade unions. He is clear that solidarity is not something that just exists; it is "created *and* expressed by the process of mutual association." (1988: 11 emphasis in the original). Equally, his concept of solidarity does not require a conscious articulation of any particular future vision of society. This is important because although it seems from initial studies (Atzeni 2010, Badigannavar and Kelly 2005, Simms 2007b) that Kelly's mobilisation theory has considerable explanatory potential, the process of collectively attributing injustice has rarely been studied. We argue that this is akin to the process of creating and expressing solidarity discussed by Fantasia. The central contribution of this article is to show how and why this matters in the process of mobilising contingent workers. And we argue that if unions can overcome the challenges of building solidarity and mobilising contingent workers, there are wider lessons to learn about how more 'typical' workers can be unionised.

We are particularly interested in examples of contingent worker mobilisation because from the perspective of Kelly's mobilisation theory it might appear that these workers have a number of significant barriers to overcome in the process of mobilisation which may not be present in a standard employment relationship. We will return to the nature of these barriers and the extent to which they hindered mobilisation in later sections. First, we should consider the process of building collective interests and identity. Kelly discusses the process of social identification at some length (1998: 31) and highlights a number of important points relevant to the analysis presented below. Specifically, individuals categorise the world into social categories to which we belong or do not belong. Positive or negative evaluations of categories derive from social comparisons with members of other groups (out groups).

Importantly, social identity may consist of many categories to which an individual belongs, and these categories can change and develop over time and space; thus an individual's social identity is not fixed in time or in place. It is our contention that this process of 'social identification' is very inherent within the more conventional notion of 'solidarity' used both by practitioners and academics in analyses of trade unionism (Fantasia 1988, Fosh 1993). In other words, defining a group of people as sharing common interests which are opposed to another group (here perhaps, 'workers' as against 'managers') is central to the process of social identification and solidarity building. Further, the idea that different groups may come together to form alliances to pursue their interests against a common 'out group' (here, managers) is also very important. Thus, workers may form alliances or solidarities with, for example, other groups of union members, with non-union workers, with service users, or in the wider community.

This focus on the processes involved in building solidarities amongst groups of contingent workers is relevant to our understanding of the potential for trade union activism amongst these groups. It is also central to the question of the extent to which these workers can be collectively mobilised. If these 'new' groups of workers present insurmountable challenges which mean that collective mobilisation is unlikely, then it seems probable that the trade union movement will focus scarce resources on other groups. If, however, there is evidence not just of mobilisation but also of *how* unions achieved this mobilisation, then the future opportunities for unions are brighter. We therefore focus on the factors that have enabled solidarities to become established and those that have inhibited it. Further, our examination of atypical workers allows us to examine solidarities amongst groups which have sometimes been marginalised or excluded by trade unions. What emerges from an analysis of these campaigns is the ways in which these groups of workers have secured access to power resources as they build solidarities both amongst their own group and with other groups.

The research

The study examines two groups of highly skilled, unionised workers where contingent working is common, fixed-term workers in UK Higher Education Institutions (HEIs), and performers in the entertainment industry. Experiences of these forms of work share surprising similarities: the work is relatively high status and skilled, periods of unemployment between contracts are common, and both groups have established unions which (attempt to) provide some degree of regulation of the respective labour markets. Further, both groups share characteristics of individualised geographical dispersal with a strong intra-group competitive element. They also differ sufficiently to provide a basis from which to evaluate and develop analytical contributions. These distinctions include the scale of over-supply of labour in the entertainment industry, which is less evident in higher education, and the length of employment in given workplaces (commonly longer in HEIs than entertainment).

Crucially, some limited evidence of mobilisation of these workers is evident in both cases. Preliminary research has already been undertaken by the authors with both groups. In higher education, previous work (Simms et al 2001) has illustrated that this group of workers has been particularly influential in the development of legal protection for fixed-term workers. In the entertainment industry, previous analysis (Dean 1998, 2005) has shown that these workers can mobilise effectively to enforce changes in terms and conditions. In both cases,

we see evidence of these workers and their unions engaged in collective actions despite their marginalised labour market position.

The research was undertaken using a combination of interview evidence from key actors, documentary analysis using union archives, contemporaneous notes taken by key actors, and media reports. The research developed from two separate studies initially undertaken independently by the authors. In total 32 interviews were undertaken in that phase of the study. The authors then realised the similarities in research questions that were being explored with the two groups and subsequently developed a comparative study through a series of 15 interviews with key actors in 2007 which sought to draw a longitudinal evaluation of the effects of the respective mobilisations. Since 2007, the authors have remained in close contact with the respective unions undertaking other research and this involvement with the unions over a period of nearly 10 years has given insight not only into the specific mobilisations analysed here, but also to the effects and consequences of those mobilisations. Interview data and other evidence was analysed thematically and common links between the processes of mobilisation were identified informed by existing themes discussed in the review of existing literature.

It is also important to note that the relative success or failure of these mobilisations is, for the purposes of this paper, evaluated by considering the extent to which contingent workers mobilised in pursuit of their objectives, not whether those mobilisations were successful at achieving their objectives. This is important because the outcomes of the particular campaigns are dependent on a far wider range of factors (including, but not limited to, employer behaviour, government policy, prevailing economic conditions etc.) What is of interest to us here is that these contingent workers mobilised and built solidarities that allowed them to do that.

Evidence of mobilisation

Fixed-term workers in the entertainment industry

Equity is the principal performers' union in the UK. It has approximately 37,000 members has almost 80 years' experience of representing non-standard workers. It organises a range of occupations across the entertainment industry, (including actors, singers, dancers, directors and stage managers) and negotiates national and sector-level collective agreements on minimum terms and conditions with a range of employer organisations. Most performer members of Equity are freelance workers, employed for specific time-limited projects. There are some who work on fixed-term contracts that relate to specific enterprises and workplaces. The empirical data relates to the latter group as they share most characteristics with the higher education professionals. However, it is also important to note that Equity does have a history of being able to mobilise the highly contingent freelance workers as well.

The example of mobilisation we focus on here relates to the choruses at English National Opera in the mid-2000s. The opera chorus members are mostly on (rolling) fixed term contracts and they have fixed workplaces with visible, stable industrial relations institutional arrangements. These include elected Equity 'deputies' (workplace representatives), who sit with other members on each organisation's Chorus Committee, which liaises with management. Equity had 100% membership density at the time of the mobilisations. The management of both opera houses were accustomed to working with Equity officials and

the regular pay agreements were always jointly negotiated. Chorus employment contracts were largely 2-year fixed term contracts (which, however, were customarily renewed for upwards of a decade) and all members were on the same basic rate of pay.

The background context of relations between members and employers is key to exploration, below, of the processes of building solidarities. The chorus considered themselves to be regarded by management as at the bottom of a rigid workplace hierarchy, behind the orchestra and principal singers. A union official described this situation as: “The chorus are the servants, the lowest in any opera company.” However, the official also said that the chorus were “used to it”, a perception confirmed by interviews with choristers. Those choristers who had worked for other companies reported different managerial attitudes, contributing to explanation of the transition from acceptance of relatively poor treatment, to resistance to it.

The mobilisation revolved around the issue of redundancies. At the start of 2003, ENO management planned to reduce the size of the permanent chorus by twenty people, to 40. Equity took action on several fronts. It mobilised its chorus members to take demonstrative and strike action; it lobbied both the Arts Council (the principal funding body) and MPs; and it placed stories in the print and broadcast media. Equity officials initiated these strategies, but all included the active participation of the lay members. Protest actions included the chorus singing outside the offices of the Arts Council during a meeting discussing ENO’s future funding and presentation to the Arts Council’s chief executive of a petition against redundancies from ENO audience members (gathered at a matinée performance by chorus members). Chorus members also accompanied Equity officials to Westminster to lobby MPs. Equity balloted the chorus and 98.2% voted in favour of strike action. The chorus members formed a strike committee and on 18th February, press night of *The Trojans*, they gave an alternative performance (of Verdi’s *Requiem*) at St. Paul’s church in Covent Garden, which was hired for the night by Equity. Other Coliseum workers (some principal singers and orchestra musicians) showed their support for the chorus by participating in the event. Press, TV, MPs and the former General Director of ENO were invited and attended, as did a large number of the ENO’s regular patrons. This unusual industrial action made the BBC *Six O’Clock News*, among other media outlets (the unofficial performance was reviewed by the *Times*) and put pressure on ENO management to resolve the dispute. Agreement was reached in late March 2003, with the number of the permanent chorus reduced to 50 through agreed voluntary redundancies, a pay rise for the remaining chorus members and in return, newly flexible working hours and days agreed.

Fixed-term workers in Higher Education

Our second group of contingent workers are professionals in the higher education sector (universities). In 1999, one of the unions representing these staff (the Association of University Teachers, AUT) took the unusual step of widening the issues involved in its annual national pay negotiations to include both the issue of the gender pay gap in universities, and the growing concern over the use of fixed term contracts for academic and academic-related posts.

Fixed-term working has long been a feature of academic employment in higher education, typically associated with researchers working on projects for a particular period of time. Since the early 1980s, the AUT has had a specialist committee representing the interests of

this group of staff. However, throughout the 1980s and 1990s, fixed-term working became more prevalent as universities sought to manage their financial risk in an increasingly competitive market. Staff on open-ended contracts in higher education institutions (HEIs) have typically enjoyed comparatively secure employment and universities have responded to a perceived difficulty in expanding and contracting the numbers of staff on open-ended contracts by employing a 'buffer' of fixed-term staff at almost all levels of academic and academic related employment. Although fixed-term working is still more common amongst specialist researchers working on a particular project (and thus more common in the universities which employ large numbers of researchers) increasing evidence throughout the 1990s (Bryson and Barnes, 2000) indicated that other groups of staff were becoming 'casualised' including, but not limited to, staff in core areas such as lecturers, administrators, library staff, and computing staff. In response, the representative body of fixed-term workers within the union split in two; one representing fixed-term research staff and the other representing all other fixed-term groups within the union's representational remit. These two committees gained increasing momentum and influence within the union throughout the 1990s, campaigning around many of the poorer terms and conditions of employment of fixed-term staff. We consider how this mobilisation developed and eventually led to the union taking strike action in order to pursue the concerns of fixed-term workers.

Here it is important to note a peculiarity of the AUT's representational remit and membership. In 1999, the AUT represented approximately 41,000 academic and academic-related staff in UK HEIs. The vast majority of these were employed in so-called 'old' universities which had been established prior to the 1992 education reforms. Membership in many HEIs was typically around 40 to 50% density amongst the recognised groups of employees, but was significantly higher amongst staff with longer job tenure. Membership amongst staff with fewer than 5 years job tenure was very low indeed, with officials' best estimates putting it around 10 to 20%. This is relevant because fixed-term contract employment is closely related to new entrants into the academic and academic-related labour market. Thus we can infer, supported by evidence from interviews, that the union was able to mobilise not just the fixed-term members, but also members on open-ended contracts in support of the dispute.

The union's pay claim for 1999/2000 marked a significant strategic break with the past because it was the first time that the AUT attempted to secure improved working conditions for fixed term staff through the national collective bargaining structures. When negotiations broke down in the Spring negotiation round, industrial action was called by the union. All members were balloted and supported both a national day of strike action in May 1999, and an on-going series of 'actions short of a strike' throughout June, July and August in support of the three stated bargaining objectives: a pay increase, agreed action to address the gender pay gap, and a reduction of the use of fixed-term contracts. Negotiations continued into the Autumn of that year and in November a deal was eventually agreed which allowed for an increased pay offer, and a commitment from the employers' association to establish a joint negotiating committee at national level to examine each of the other issues (gender pay equality and the use of fixed-term employment).

In June 2002 the joint committee produced a document which outlined agreed 'best practice' and guiding principles for the use of fixed-term and casual employment in HEIs. (JNCHES 2002). The focus of this document was the application of new EU-level regulation on the

use of fixed-term work and the implications of the directive for British HEIs. In principle, the regulation states that the contractual situation of a fixed-term employee should not, in and of itself, be a basis for discriminatory treatment. Further, it included a provision that employers should try, in principle, to ensure that fixed-term staff who had been employed for longer than 4 years continuously should be moved to open-ended contracts. Interviewees indicated that a large part of the negotiation of the JNCES agreement focused on this second requirement. Specifically, whether or not fixed-term funding of a post was sufficient basis on which to constitute a “justifiable objective reason” on which to continue offering employment as fixed-term beyond the 4-year period. In practice, there was (and continues to be) considerable disagreement between the unions and the employers as to how to interpret this document, and many interviewees referred to the high number of individual cases which indicate that this issue is still highly contested at workplace level. Nonetheless, the outcomes of the dispute are of less relevance to the analysis presented here. What is of interest here is that the union mobilised its membership (including fixed-term workers) to attempt to secure improved working conditions for a vulnerable and often isolated group of members, who are in a minority.

Explaining mobilisation of contingent workers

We have presented examples of two groups of contingent workers that have mobilised through their two unions. We are not claiming that this is typical of these groups of workers; indeed the opposite. We focus on these groups precisely because they are relatively rare, yet are emblematic of the kinds of actions unions must increasingly engage in if they are to mobilise and represent many ‘new’ groups of workers within the labour market.

The first point to note is, of course, that it is possible to find examples of mobilisation of these insecure workers. Whilst this is, in part, self-evident, the possibilities of these (kinds of) workers mobilising is frequently omitted from many discussions assessing issues of trade union renewal and the challenge of organising groups of ‘atypical’ workers. We believe recording the process of these mobilisations is itself important to counter the widespread view that contingent and other ‘atypical’ workers are impossible to unionise and mobilise. The second point is that the processes of mobilisation of these two groups has appeared to happen in very expected and to some degree ‘standard’ way, despite their ‘non-standard’ position in their respective labour markets. Thus we seek to explain the factors that have enabled these mobilisations to take place before moving on to examine the constraints to mobilisation that these groups have been confronted by and, to some extent, overcome. Finally, we return to consider the implications of these cases for wider discussions of union renewal.

Undoubtedly, in each of the cases Kelly’s stages of mobilisation (1998) are evident: a sense of injustice, social identification of an ‘in’ group affected by those issues, and attribution of that injustice as being the ‘responsibility’ or ‘fault’ of another group (in these case managers and employers). Further, there implicitly appears to be some process of cost-benefit calculation in taking action (a point returned to below) and some kind of collective action has been taken in an attempt to address the perceived injustice. In these regards, our cases conform to what would be expected and predicted by Kelly’s mobilisation theory. But given the contingent nature of these workers, the factors that enabled and facilitated these mobilisations demands further attention. Specifically, we need to examine how the unions

were able to build solidarity within these groups, and to link their collective interests to other groups. In doing so, we extend Kelly's mobilisation theory (1998) using Fantasia's notion of collective solidarities (1988) to account for the process of building collective interests and attributing them to an 'out group'.

Factors facilitating mobilisation

1) Existing structures of job regulation

In both unions, there is a history of unionisation and of representation of contingent workers. This is far from the case in many unions (Heery and Abbott 2000) and has undoubtedly helped create a situation in which it is possible for contingent workers to mobilise. It is worth noting, however, that the process of securing union support for the AUT members was far from simple which is returned to later. Equity, by contrast, has a long tradition and history of organising contingent workers and has considerable experience doing so.

The established bargaining arrangements with employers ensured that some leverage was possible for both groups. In the AUT case, it was precisely the fact that pressure could be brought to bear on the employers through the usual bargaining processes that enabled the mobilisation of members both on fixed-term and open-ended contracts during the 1999 dispute. Similarly, the Equity cases were notable because action was taken within an established collective bargaining context, enabling mobilisation of members in a way conventionally expected by all parties. These structures are important because they contribute to the evaluation of the relative costs and benefits of mobilising contingent workers both at an individual and collective level (Kelly 1998). In other words, if the mobilisation is to extend existing arrangement or to ensure that existing bargaining arrangements are responsive to the interests of contingent workers, this would appear to reduce the likely 'cost' of mobilising. This is important because it indicates that the cost-benefit decision may be taken by a *wider* group than just the group that is mobilising, a point not previously made in discussions of Kelly's mobilisation theory. Here the union officers were important in taking the decision that it was 'worth' mobilising these workers; in other words it was more likely that the benefits outweighed the costs. And here the involvement of union officials, organisers, negotiators etc. becomes influential. This explains why it has been so important for these groups to build solidarity and to mobilise power resources *within* their unions before they are able to mobilise in furtherance of their objectives. It is also important because it contributes to our wider understanding of some of the barriers to organising and mobilising contingent workers – an issue examined further below.

2) Building solidarities

Two issues are important to consider here: first, solidarities amongst membership groups and, second, power resources available through the hierarchies and structures of unions including, but not limited to, support from union officers and resources allocated to particular campaigns.

Building solidarities among contingent workers themselves is, evidently, extremely important. In line with mobilisation theory, it is important that the group comes to see their interests as collective and as opposed to another group (here, management). Amongst these contingent workers, however, this is often a far from simple process. We discuss the barriers

to mobilisation in more detail in the section below, but it is essential to note that not all of these groups even understand their paid employment as ‘work’, let alone see their employers as ‘managing’ them within a ‘workplace’. Thus, building a sense of collective interest was an essential pre-requisite for each of these mobilisations.

First, in the case of Equity, it is important to remind ourselves that – unlike the majority of UK unions – Equity was established by and for ‘non-standard’ workers. It is the freelance, contingent workers who form the majority group in membership, with the choristers comprising an unusual minority, in their relatively long-term expectations of employment at a fixed workplace. The question of *internal* union support for contingent workers – key in the AUT (see below) – was relatively unproblematic within Equity. The question was simply of the industrial merits of each position, in terms of choices around mobilisation strategy, rather than adjusting to a different type of worker.

Equity officials are used to attempting to mobilise contingent workers and are attuned to the issues that need to be addressed in mobilisation; in particular, the question of appropriately attributing injustice. Workers in the entertainment industry to a degree *expect* injustice: some examples include acceptance of unmonitored individual judgement in recruitment and selection decisions (Dean 2005) and willingness to trade inferior pay for future advancement (Dean 1998) or for present ability to use their talents (see discussions of ‘psychic income’ in Menger 1999; Towse 1996). However, this data shows that expectation and acceptance of injustice is not necessarily a bar to the mobilisation process: it seems that there are always invisible lines that can be crossed. Here, the relevant factors in making the line visible seemed to involve a sense of worker solidarity in combination with the active encouragement of union officials. As one official put it: “As organiser, you need to prepare the ground. Some people accept the lot of being a performer without questioning it.” In interviews with chorus members, they referred to themselves as ‘family’ and this seemed to play a part in willingness to take action. The interview data imply that the very dimensions of insecurity such as short-term contracts and vulnerability to replacement, contributed to the construction (by themselves and by union officials) of unacceptable injustice and of solidarity, in a shared sense of their own ‘contingency’.

As Fosh (1993) found, in her study of five public- and private-sector workplaces, even where workers had no ideological commitment to their union “They had an underlying commitment to solidaristic action that came to the fore when they felt the occasion merited it.” (1993: 585). Despite 100% density, union officials perceived the members as being atypical union members: “Choristers are not your usual trade unionists – very middle-class, half of them are public [fee-paying] school educated.” Another official felt that in this way, this minority grouping within Equity represented the original traditions of the union: “For a long time it was the sons and daughters of the middle class who went into it [performing]. So, Equity was akin to a club or an association you need to get on in the profession, but don’t get involved.” It is clear here therefore that union ‘leaders’ work very consciously in the process of mobilisation (Kelly 1998: 34-36). But here we can extend Kelly’s insight and emphasise the role of union professionals which is so often crucial in the process of mobilisation (see also Simms 2007a). Part of this role involved re-directing employer arguments that redundancies were inevitable due to external factors (reductions in funding, decline in box office receipts) to an argument that managerial choices were central. Officials used members’ existing awareness of poor management in several areas to achieve this.

In the Equity case, solidarities were built with external groups (principally regular audience members who are important to businesses sensitive to the relation between brand and repeat ticket sales) and if not solidarity, then there was sympathetic coverage of action with the media. Both members and union officials saw the potential in mobilising these external resources and the strategy and tactics were mutually developed. A third party employer body was also involved in the form of the Arts Council. This demonstrated to both members and to the direct employer that the union was engaged seriously with the dispute, and thus reinforced the mobilisation process.

Similarly, within the AUT, officials and other key actors reported that a considerable challenge of the 1999 action was to build branch level solidarity amongst fixed-term workers. It is notable that the union did not invest much effort in this process, and this mobilisation was therefore led by a relatively small group of key activists who used national union structures and bargaining arrangements with the employer to mobilise around interests. This is potentially a serious weakness of the mobilisation and is discussed further below.

In the AUT, securing power resources within the wider structures of the union was central to the process of mobilisation. Interviewees reported that the pressure to address issues confronting fixed-term workers in the negotiation round was largely possible because of the election of a key activist to the position of union president the year before. The president had campaigned on issues relating to fixed-term staff for much of the previous 5 years and had held a number of positions, including heading up the fixed-term contract staff committee. By the time she took up the post of president, she was no longer working on a fixed-term contract herself, but was clearly steeped in detailed knowledge of the particular interests of these workers. Indeed, her election manifesto had clearly stated her intention to pursue these issues if she were elected. Indeed, she commented in an interview that “It was central to my objective as President to get those issues [fixed-term contract workers and gender pay inequality] on the agenda and taken seriously.” In the position of president, she was able to bring in officials and other resources of the union to ensure that the particular interests of this group were formally included in the national bargaining discussions with employers.

However, the analysis presented so far has under-played the amount of resistance amongst other groups of AUT members to pursuing issues affecting fixed-term staff. This resistance emerges from two, related facts. First that many staff on open-ended contracts (who form the vast majority of the union’s members) are responsible for managing fixed-term contract staff particularly, although not exclusively, on research projects. The culture of working on a particular academic project for a fixed period of time is well-established within UK HEIs, and many members regularly argued against any proposals that would enforce any greater responsibility to keep fixed-term workers in post beyond the end of a project. In a conference speech debating this issue in 2000, one member spoke of the “dangers of forcing universities to employ people when there isn’t work for them.” This, of course, ignores the fact that such staff could always be made redundant in the usual manner provided for in UK labour law. The second major obstacle was that many academic staff viewed the system of fixed-term working as something which was necessary at the start of someone’s career and as part of a necessary process of demonstrating ability to undertake academic work; in other words as part of the academic ‘apprenticeship’. This was less commonly expressed overtly,

but in one meeting with fixed term staff attended by the author a senior member of staff commented that “My worry is that people [junior members of staff] won’t move around so much and build up their skills in different labs [workplaces].”

The fixed-term contract staff committee had worked hard in the five years preceding the strike to address some of these criticisms directly. An analysis of minutes of meetings reveals that the latter objection was largely addressed by collating figures on the growth of the use of fixed-term contracts, and emphasising that fixed-term working increasingly affected many groups of staff at many different levels of the profession. Equally, the problematic effects of working on fixed-term contracts (lack of access to financial services such as mortgages, challenges moving families etc.) were highlighted through case studies and discussions. The first objection was widely regarded by both officials and activists to be harder to address. It was dealt with by devising ‘model’ agreements for how managers should handle redundancies of fixed-term staff which were then distributed to local associations (branches) with the suggestion that they be used to negotiate a local agreement. Progress clearly rested both on the branch’s motivation to take up the issues of fixed-term staff and on their ability to negotiate with managers. In practice, it is unsurprising that few branches made any significant progress on this issue. However, this illustrates two key points: first that the national committee representing these workers was growing in influence at central levels of the union, but also that resistance at branch level was significant throughout this period.

Previous authors (Kelly and Heery 1994, Voss and Sherman 2000) highlight how in certain circumstances, officials can act as an innovative force within unions, rather than a brake on radicalism. Like the Equity mobilisation, this case seems to highlight this; officials were extremely important in pushing forward the issues of a relatively small group of fixed-term members against the background of resistance from the far larger group of members on open-ended contracts. Influence at central level was also demonstrated by the growing numbers of officials who were supportive of the campaign. Interviews with officials indicated that this support was driven both by political support for potential union members who were most vulnerable within the labour market (a view that this is what the union ‘should’ be doing), and pragmatic recognition of the fact that the union’s membership was ageing rapidly. Fixed-term contract staff were more likely to be younger and not to be union members. Appealing to this group was therefore recognised by officials to be necessary to any future membership growth.

Thus, we argue that although the background of having existing mechanisms for collective job regulation is important in ‘setting the scene’ against which mobilisation of contingent workers can take place, it is insufficient by itself. In Kelly’s terms (1998) what appears to be happening is that it positively influences the cost-benefit analysis of union leaders (officers and activists) as to whether or not it is ‘worth’ mobilising contingent workers. Where bargaining structures exist, there is a clear route forward to express the collective interests of these workers.

But without building solidarities both within the group of contingent workers and between them and the wider union, it is impossible to use the existing structures of interest representation effectively. In other words, the process of collectively identifying interests of a group which are different from or in opposition to another group (here managers and employers) is central to ensuring that those collective interests are expressed within the

union and to managers using the bargaining structures. These cases reveal some of the complexities involved in the process of building solidarity both *within* groups of contingent workers and *between* contingent workers and the wider union. We also suggest that solidarities with groups outside the union may help explain the Equity mobilisation, although there is less evidence of this in the AUT case. We return to this point in the final section, but first we need to acknowledge that these cases also highlight significant factors constraining mobilisation.

Factors constraining opportunities for mobilisation

Despite the relative optimism of the previous section focusing on ‘successful’ examples of mobilisation also brings into focus some of the considerable difficulties faced by these workers in their mobilisation process. Building solidarities amongst contingent workers presents difficulties not faced by unions seeking to organise and mobilise workers working full-time in one location on indefinite contracts. The contingent workers examined here, although mainly based in a workplace, are employed only for a finite period, and sometimes a brief period. This may limit the extent to which any injustice is attributed to a *particular* employer rather than, say, theatres or universities in general. We identify two factors that act as constraints on union mobilisation.

1) Identification and attribution of perceived injustice

As highlighted above, the process of developing a sense of injustice was particularly problematic amongst these groups of workers. Several related issues can be identified. First, in both cases, many of these workers perceive their work to be a vocation and feel privileged to be employed at all. Interviews with activists in both unions highlighted the difficulties this presented. Perceiving a particular managerial behaviour as ‘unfair’ or ‘unreasonable’ is difficult if a worker feels privileged to be in employment. Similarly, attributing that behaviour to that particular organisation or manager, rather than higher education or performing arts in general, is also challenging in these contexts. Officials and activists worked hard in both unions to frame these behaviours as ‘unjust’ and as being the responsibility of managers. They did this in a number of ways, but particularly used comparison with other groups of workers as a reference point. Returning to the point raised previously about the importance of established bargaining structures in these sectors, a further reference point was frequently made to the fact that employers in the sector were clearly used to dealing with the union in other situations. These sectors are unusual but they highlight that unions can sometimes overcome the difficulty of attributing an injustice to managers even where workers are likely to be extremely tolerant of their working conditions.

2) Exclusion tactics

It is clear from the AUT case that some sections of the union worked to exclude these contingent workers. This has been noted in other unions (Heery and Abbott 2000) and although it was not of course relevant in Equity, it merits attention because of the wider implications for union renewal efforts. As noted above, some members of the AUT were unsympathetic to pursuing the interests of fixed-term workers. These objections were largely overcome at a formal level by gaining support for policies which committed the national union to pursuing the interests of fixed-term workers through, for example, motions to annual councils etc. This secured sufficient resources and investment from the national union and from officials to enable the mobilisation discussed above, but did not necessarily overcome resistance and exclusion of these workers at branch level, even by the time of the

1999 strike. This was potentially a serious weakness in the union's approach to mobilising these workers. The union relied on fixed-term workers finding out that the national action explicitly addressed their interests and on them then joining in support of that action. Whilst there were some branches where there were notable examples of success, the outcomes were patchy. In other words, despite the evidence that the union was relatively successful in mobilising those contingent workers who were members (as well as many members who were not contingent workers), this group was a minority of all contingent workers in the sector.

Discussion

These cases provide a rare empirical testing ground for Kelly's mobilisation theory (1998). We see that, in line with other recent studies in other contexts (Atzeni 2010, Simms 2007b, Badigannavar and Kelly 2005), the theory provides considerable explanatory potential for how and why mobilisation occurred in the way it did. What is new is that these cases draw our attention to the importance of building solidarities both between these contingent workers and between them and other groups. The central contribution of this article is therefore to present evidence as to why and how these processes of building collective interests 'matter' during mobilisations. Crucially, this allows us to use Fantasia's analysis (1988) to argue that it is important to understand these as processes of building collective solidarities. Fantasia's work is important here because he urges us to recognise that solidarities and collective interests can be expressed even in the absence of a consciously envisioned view of a future society or a 'revolutionary' objective to overthrow a capitalist social order (1988: 11).

For these groups of workers, this is particularly relevant. We do not claim that in mobilising these workers necessarily envisage any form of 'class consciousness'. What is clearly important, however, is that in the process of identifying and building collective interests, the notion of solidarity becomes relevant. Fantasia (1988: 17) urges us to examine "cultural expression that arises within the wider culture, yet which is emergent in its embodiment of oppositional practices and meanings." It seems evident to us that this neatly describes the processes observed in these two mobilisations. These cases highlight how even highly contingent workers can mobilise when salient collective interests are identified. Activists and officers worked to ensure that the points of common interest between contingent workers were emphasised, and also helped create narratives that countered divisions within the group, and between the group and other union members. This work is done very consciously. In this sense, we absolutely agree with Fantasia that key actors deliberately construct these 'cultures of solidarity' and our evidence shows some of the ways in which that can be done. These solidarities then help build links with other groups both within and outside the union.

Conclusions

In conclusion, we can clearly see evidence that contingent workers can and do mobilise through their unions. Clearly, the contingent nature of employment of these workers can limit opportunities for mobilisation. Getting them to see themselves as 'workers' and what they do as being 'work' can be challenging for both unions. Key actors, specifically officials, organisers and activists, explicitly encourage this view and frame issues as being both

collective and attributable to managers. This helps explain why these groups are able to overcome some of the limitations of their very weak labour market position to mobilise.

But there are particular aspects of these mobilisations which facilitated this end. Of particular importance is that collective bargaining and joint regulation structures exist in these sectors and that the process of building solidarities within the group, between the group and other parts of the union, and with groups outside is central to overcoming some of the very significant barriers to mobilisation. What is notable about these two conditions is that neither is specific to contingent work. We suggest that whilst the barriers to mobilisation may be specific to the nature of employment, the means for overcoming those barriers appear to rest in very ‘traditional’ methods for mobilisation and collectivisation – even where those groups of workers are very ‘atypical’ of the trade union movement.

Funding acknowledgement

This work was supported by an internal grant awarded by the University of Warwick Research Development Fund.

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