

(Still) Up to No Good: Reconfiguring Worker Resistance and Misbehaviour in an Increasingly Unorganized World
Encore quelque chose de louche : la reconfiguration de la résistance ouvrière et les conduites déviantes dans un monde du travail de plus en plus désorganisé
Algo turbio (todavía): reconfiguración de la resistencia laboral y comportamiento inapropiado en un mundo cada vez más desorganizado

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Résumé de l'article

La manière d'analyser la résistance ouvrière et les conduites déviantes des travailleurs a connu une transformation significative au cours des dernières décennies. Tandis que plusieurs chercheurs ont observé le déclin quantitatif des formes organisées ou de l'aspect formel des conflits en relations du travail, d'autres ont mis en lumière l'émergence de conduites d'opposition ou déviantes de nature informelle et individuelle. On a bien avancé un éventail de raisons explicatives à la fois du déclin des conflits en relations du travail et de l'apparition d'approches plus directes pour étudier le conflit sur les lieux du travail. Cet article invite toutefois à la prudence devant la tendance à analyser les phénomènes de résistance et de conduites déviantes dans un vacuum institutionnel.

Prenant appui sur une recherche longitudinale auprès d'une multitude de milieux organisationnels en Australie et en Grande-Bretagne, l'article identifie la longévité de facteurs institutionnels et structurels pour expliquer les comportements en milieu de travail, particulièrement chez les travailleurs faiblement organisés. Les observations réalisées dans notre étude renforcent la nécessité d'analyser la résistance ouvrière dans son environnement institutionnel. Selon nous, les diverses conduites identifiées ici dans plusieurs milieux sans syndicats ou antisyndicaux ont été façonnées par les changements structurels et institutionnels survenus dans le régime même des relations du travail : selon le secteur, la taille, la structure ou la stratégie de la direction (entre autres choses).

En reconnaissant l'importance de l'environnement et du milieu, nous soutenons que ce qui est souvent dépeint comme des types de conduites déviantes de la part de travailleurs constitue plutôt un substitut pour des formes plus affirmées de résistance de la part de travailleurs plus vulnérables sur le marché du travail ou auxquels on nie l'accès à des structures traditionnelles de représentation collective.

(Still) Up to No Good: Reconfiguring Worker Resistance and Misbehaviour in an Increasingly Unorganized World

Diane van den Broek and Tony Dundon

The way industrial conflict and worker resistance have been analyzed has undergone significant transformation over the past few decades. 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. Following Peetz (2002), we show six distinct forms of worker resistance in response to three overlapping de-collectivizing employer strategies. We locate the trajectory and significance of these employer strategies and subsequent forms of worker resistance in a neglected consideration of institutional and industrial context. The implications for the way worker resistance and misbehaviour is analyzed and theorized in an increasingly non-union world are discussed. The paper indicates the need to consider the importance of institutional factors in reassessing potential delineations between what are considered formal (and often collective) indicators of conflict, and those more informal instances of workplace misbehaviour.

KEYWORDS: resistance; misbehaviour; institutional change; non-union

Traditional models of organized labour have eroded under the process of western deindustrialization. Similarly, theoretical conceptions of worker resistance, focusing on individual workers and collective institutions defending prevailing interests, have become limiting analytical tools to explain the breadth of workplace behaviours. Within much of the extant literature, the tendency has been to assume that workers respond to managerial prerogative through formal collective or informal individual voice channels (Freeman and Medoff, 1984). Drawing on original longitudinal research among disorganized and poorly represented workers in both Australia and Britain, this paper analyses the shifting theorization around resistance and misbehaviour over the last fifteen years.

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It highlights the importance of contextual factors that reconfigure traditional dichotomies between resistance and misbehaviour. As such, the research suggests the need for a more inclusive institutionally-sensitive framework to capture dynamic variations of resistance and to help reconfigure what are often unhelpful binaries of misbehaviour and resistance.

Studies into the regulation of workplace relations traditionally focused on the institutions of job control, most importantly trade unions and collective bargaining (Zoller and Fairhurst, 2007). Conventions around pluralist industrial relations essentially saw the modification of workplace behaviour through collective bargaining and joint consultation as a process to institutionalize conflict (Flanders, 1970). In contrast, deeper sociological studies sought to illuminate the micro political systems underpinning workplace behaviour, including, among other tactics, worker sabotage, soldiering or go-slows to control and worker manipulation of the labour process (e.g., Roy, 1952; Buroway, 1979). Building on this tradition, Ackroyd and Thompson (1999) highlighted how employees temper and moderate the power and authority of employers by developing typologies that widened interpretations of workplace (mis)behaviour. Recent analysis has also sought to explain the use of alternative workplace forms of resistance amidst growing economic crisis and austerity measures faced by workers in union and non-union settings, across public and private sector firms in different countries (Gall, 2011; Cullinane and Dundon, 2011). Sociological interpretations of work behaviours – such as incivility, sabotage, culture, humour, leadership or harassment – have helped to incorporate the social nature of much workplace conflict which emerges both vertically and horizontally (Roscigno, Hodson and Lopez, 2009; Grugulis, Dundon and Wilkinson, 2000; Collinson, 2005). For many workers who lack formal collective organization, misbehaviours such as these (which are harder to identify and measure) may represent the most available forms of resistance and, as such, should be analyzed as acts of resistance in their own right.

As indicated above, resistance research has widened through various lenses including, among others, cynicism, sexuality or gender, leadership, corporate symbolism or self-identity (Fleming and Spicer, 2003, 2007; Willmott, 1993; Kärreman and Alvesson, 2009). However, there has also been a significant tendency in some of the resistance research to downplay worker “interests” (as opposed to identities) and to sideline how the labour process is played out (Thompson, 2005, 2011). These deficiencies are most apparent in the growing body of post-structural analysis into resistance and misbehaviour. For example, Fleming (2005) portrays worker resistance at “Sunray” through “culture programs” and paternalistic management styles by noting that “the ‘construction of identity’

... (and the resulting cynicism) ... was bound by context and societal discourses relating to class, capitalism, and patriarchy." He continues, "the metaphor of production is appropriate here because it reveals how these resistant identities are realized when and where power is applied" (*ibid.*). However, specific mechanisms of power or powerlessness are left unexplained and the context of class, capitalism, patriarchy or power as it relates to the production process and Sunray employees remains under-developed and unqualified, other than noting its potential importance as a mediator. Ultimately, employee responses outlined in this research (largely based around employee cynicism) were analyzed within a structural and regulatory vacuum.

Utilizing historical data from several worksites in Australia and Britain, this paper seeks to reinstate the importance of analyzing managerial control and employee resistance within the political, institutional and economic context in which the labour process operates (Cullinane and Dundon, 2006). As such, the important question is not so much "what kinds of resistance cannot 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?" As such, while identity factors should be considered, we should not lose sight of the important institutional context which shapes these interests.

In analyzing these issues, we show that structural constraints and contexts are equally, if not more important than the role of subjective and discursive identities. In the following section we provide a critique of contemporary discussions of managerial control and employee resistance. The research method is then explained, followed by a review of the form, scope and longevity of misbehaviour as resistance among respondents interviewed in different settings over fifteen years. The paper concludes with a discussion about the importance of analyzing resistance and misbehaviour through a more nuanced rubric of institutional, contextual and structural change.

Changing Contexts of Managerial De-collectivization and Employee Resistance

Peetz (2002) argues that liberal-market economies have seen the development of an array of increasingly sophisticated de-collectivizing strategies aimed at consolidating managerial prerogative and excluding (in both symbolic and real terms) employee or union mobilization. Peetz (2002) shows, however, that these strategies are not necessarily successful and he develops a model to understand the trajectories and patterns of change in response to managerial (as well as state/government) initiatives that promote a more individualistic rather than collective dimension to employment regulation. In contributing to this, we extend

the conceptual model by reviewing employee acts of resistance relative to three emergent de-collective strategies among a sample of non-union organizations in the liberal market regimes of Britain and Australia.

Much of the extant research into employee resistance and conflict management has traditionally focused on established institutions and formally recognized ways mediating the broad interests of capital, labour and the state (Iremonger, Merritt and Osborne, 1973; Flanders, 1970). However these earlier preoccupations with “divergences in institutional development,” exemplified by Zeitlin (1987), downplayed important social and economic processes which shape industrial conflict and the institutions created to manage these behaviours (Teague and Roche, 2011). Over time these limitations led to invisible informal, power/control binaries (Mumby, 2005) which often missed important social factors shaping organizational resistance, including issues such as gender (Pollert, 1981), masculinity (Collinson, 1992, 2005), occupational community identity (Ashcraft, 2005; van Maanen and Barley, 1984) and sexual orientation (Badgett, 1996), to name a few.

Given the earlier preoccupation with formal actions and the aforementioned omissions of the past, research into worker resistance incorporated more informal but “intentional actions ... which defy and violate organizational norms and expectations and core values, morals and standards of proper conduct” (Vardi and Weitz, 2004). Recognizing the need to incorporate “identity” issues, Ackroyd and Thompson (1999: 2, 31) define resistance as “anything at work you are not supposed to do.” However, as they, and others attest, establishing unifying terms for the various ways employees might react to managerial authority has not been straight-forward (Vardi and Wiener, 1996; Jermier, Knights and Nord, 1994; Collinson and Ackroyd, 2005). Indeed, resistance and misbehaviour often overlap, as can individual acts of mischief coalesce into collective forms of resistance. Importantly, they may differ both in the nature of the behaviours as well as the perceived intent and outcomes of such actions (Ackroyd and Thompson, 1999: 24). Mischief can be an act to “get back” at management (or customers), or behaviour that allow workers to “get by” when confronted with the degradation of a mundane job. These distinctions and definitional debates are what require further scrutiny in order to understand the nuances of informal and formal as well as individual and collective workplace (mis)behaviours (Thompson, 2011).

As part of the literature about mischief in the workplace came post structuralist suggestions that managerial control was omnipotent, and employee dissent futile (Zuboff, 1988; Spitzmüller and Stanton, 2006). For example, Knights, Calvey and Odih (1999: 19-20) proposed that employees “willingly turned themselves into self-disciplined subjects who put in performances without man-

agement 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." Aleroff and Knight's (2000: 2) research 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). They suggest that commitment to deliver customer service leads to "resistance" in the form of employees escaping *into* work by sidelining quantity objectives in favour of delivering improved quality service. In a similar vein, occupationally prestigious workers, such as pilots, resisted by "overtly consenting" to managerial directives (Ashcraft, 2005: 69-83). While such post modern interpretations of worker behaviour indicate competing objectives, they constitute highly dubious examples of resistance. Most particularly analysing worker behaviours within their institutional context may also have highlighted any potential alternative options as well as potential ramifications of their actions.

All Quiet on the Institutional Front

The dominance of post-structural discourse around workplace conflict has underscored the neglect of the regulatory, occupational and institutional factors that shape worker behaviour (Mulholland, 2004; Peetz, 2002). While the types of behaviours may have changed, the employment relationship and its attendant tensions remain *the* anchor against which much behaviour is mediated. Of course, workplace tensions are far from homogeneous. Employers can seek to exclude unions as a matter of consolidating their prerogative (Gall, 2004), as a form of intimidation and anti-collectivism (Cooper *et al.*, 2009), or through a policy discourse that seeks to engender employee engagement and commitment (Willmott, 1993; Peetz, 2002).

The variation of preferred managerial options for de-collectivism mean that workers in capitalist economies experience considerable volatility in market pressure which shape the institutional regime for voice and employment regulation (Kaine, 2011). Workplaces have become increasingly more fragmented and the boundaries between employee and employer blurred though the use of flexible contracts, individualized management practices and outsourcing and de-layering (Grimshaw *et al.*, 2004; Pas *et al.*, 2011). Jobs are increasingly feminized and casualized, and workers experience less tenure, insecurity and work intensification. Trade union membership 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. For example, in the UK, between 1970 and the turn of this

century, the number of firms that recognized trade unions dropped from two-thirds to two-fifths (Standing, 2009: 89). Union membership declined to an all time low of 27.4%; or 15.5% in the private sector (Barrett, 2009). Australian data show union density to be just 19% of the economy. In the US union density is even lower at around 12% of the workforce (Australian Bureau Statistics, 2008; Dixon and Fiorito, 2009).

For a variety of reasons “growing numbers of people are either detaching themselves, or are being detached, from national regulatory and protective regimes” (Standing, 2009: 99). 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 conflict declined to 144 incidents, involving 500,000 workers resulting 700,000 days lost (*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 organization has occurred during periods of intensified political reconfigurations within nation states and market economies: Thatcherism in the UK, Reagan in the US, and the Howard government’s neo-liberal assault on trade unionism in Australia all bear the hallmarks of a public policy endorsement for non-union forms of work organization (Cooper *et al.*, 2009). Consequently, employer militancy buttressed by government policy has recast the structural and contextual milieu within which employee resistance and misbehaviour emerge in neo-liberal economies (Cullinane and Dundon, 2011).

The corollary of union decline and escalation of anti-union managerial strategies for workplace resistance are more complex than measurable declines in strike and lockout activity (Gall, 2011). As Edwards (1995) has argued, the absence of organized strike action and union membership is not commensurate with industrial harmony or employee commitment or employee acquiescence or retreat. 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 or inclination to collectively organize, it is evident that worker opposition manifests in a variety of ways. For example, the UK’s Unrepresented Worker Survey (URWS) of 501 low-paid unorganized workers revealed how vulnerable workers may cope with problems at work. 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 However, most importantly what their survey data revealed, is 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. As such, while young (un-unionized) workers may exit, they also resist in other ways including individual and collective challenges through group delegations to managers and group meetings. This and several other examples (Harrison, Laplante and St-Cyr, 2001; Dundon and Rollinson, 2004; van den Broek, 1997) highlight the need to investigate the behaviours of (often more marginalized) non-unionized workers (Pollert and Charlwood, 2009: 357).

The issue here is that resistance and misbehaviour take on very different meanings for workers who are denied formal structures of representation, or who feel such representation is futile. In short, against a changing industrial landscape and labour market configuration, the majority of workers who are unorganized have sought more 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.² The original case research is supplemented by debates undertaken in existing published work into resistance and misbehaviour in both Australia and Britain (van den Broek, 2002, 2003, 2004; Dundon, 2002). 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 (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 were the experiences of non-union workers within different sectors of economic activity; among large, small and multi-national organizations; and the inclusion

of evidence across a broad range of occupations and work skills. Many of the employees we interviewed 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 unionization (van den Broek, 2008).

We therefore established criteria for an ex-post research design which allowed us to assess changes over time in a more holistic way than shorter or snapshot case reports, utilizing a staged approach to the re-analysis of data (see also Dundon and Ryan, 2010). The first stage involved reviewing the case organizations following Peetz's (2002) model to establish a range of managerial de-collectivizing strategies. Three such strategies were observed: i) "managerial anti-unionism"; ii) "inconsistent managerial objectives," and iii) "strategies that reinforced the managerial prerogative." These three exclusive de-collective managerial choices are identified in Table 1.

TABLE 1
Managerial De-Collectivization Strategies and Employee Responses

		Employer De-collective Strategy		
		Managerial anti-unionism	Inconsistent managerial objectives	Reinforcing managerial prerogative
Nature of Employee Responses of Resistance and Misbehaviour	1. Join a union	Union joining owing to fear and intimidation of anti-union policy (TEC, Servo, Mini Steel)	Union joining in face of expected managerial/ corporate loyalty (ChemCo, DeliveryCo)	
	2. Informal collective-type responses	Workers organize petition against managerial objectives (Servo)		Occupational and workforce team solidarity (Mini Steel, ChemCo, Servo)
	3. Covert challenge to management authority	Active union organizing campaign (Mini Steel)	Defying managerial direction (Servo, MotorCo)	Workers protest with use of graffiti at workplace (Mini Steel)
	4. Change in work practices	Workers consciously arrive late for work (WaterCo)		
	5. Covert disruption to do things differently		Employees determine quality standard/parts to use (MotorCo)	Disrupt use of surveillance (Telcorp, DeliveryCo)
	6. Withdrawal behaviours	Lack of employee engagement (Servo)	Conscious go-slow (Telcorp, WaterCo and DeliveryCo)	

The next stage involved re-analyzing the data to classify distinct contextual and structural variation. In this regard, specific contextual variables were found to be important across the case study organizations. These are given further methodological detail, together with the numbers of respondents in each case, in Table 2. The contextual diversity included assessing employee reactions to de-collectivism relative to *market sector and economic pressures*, *work unit size/ regime configuration*, and *occupational identity and solidarity*. The third stage involved a re-analyzing of the research transcripts to identify relevance of the above variables and assess connections to employee reports about resistance and misbehaviour. In this way the staged ex-post research design enabled the formulation of a broad sensitizing framework that incorporated a number of important contextual and institutional dimensions, managerial strategies promoting de-collectivism, and finally analysis of employee acts of resistance (covert and overt) and misbehaviour. Tables 1 and 2 summarize these variables, methods and the respondents interviewed.

Findings

From the re-analysis of reported managerial strategies, the discussion below is structured around the nature of employee responses to the three managerial de-collective strategies of: i) "overt anti-unionism," ii) "inconsistent managerial objectives," and iii) "reinforcing managerial prerogative." Six subsequent employee acts of resistance and misbehaviour were then found. In aggregate terms, the data are summarized in Table 1. As the table indicates, some cells are blank. This can be explained because, as might be expected in a non-union and anti-union context, employees do not have the support systems to organize resistance as would otherwise be found in unionized environment. Likewise, as Peetz (2002) has already established, employer strategies and worker responses are not always mutually exclusive and, in reality, these overlap with one another. For example, employees may join a union in response to multiple and divergent managerial attempts to engender a de-collectivized strategy at the workplace level. It is for these reasons that, while some employee responses may have once been interpreted as misbehaviour (say an act of mischief or defiance), these behaviours within such non-union employer settings can symbolize quite radical forms of resistance given the structural and anti-union threats posed by employers in the firms studied. Unsurprisingly, there are no reported strikes or mass workforce demonstrations in these organizations. Indeed this is the important point: given the absence of structurally-organized collective mobilizations, workers responded and developed tactics in various individualistic as well as semi-collective ways. As such, the prevailing institutional and contextual milieu is an important mediator shaping worker resistance and misbehaviour to each of the managerial strategies analyzed below.

TABLE 2
Case Studies: Contextual Variables and Respondents Interviewed: 1992-2004

Case	Sector and Context	Market position-competitive standing	Workplace regime	Occupation	Respondents interviewed (N = 118)
Mini Steel	German-owned MNC; est. in UK mid-1970s; Steel manufacturer	Experienced significant market decline in 1980s; moderate growth in 1990/2000s	Medium-sized: 500 employees, mostly manufacturing steel workers	Manual workers Senior managers	10 2 Plus 1 union official
TEC	Privatized 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	Small: 75 employees, all clerical and professional service staff	Clerical employees Team leaders	3 2 Plus 1 union official
ChemCo	Indigenous chemical plant, started mid-1870s; North West of England; manufacturer of intermediary chemicals (e.g. paint additives, dyes)	Moderate market growth; long-term production schedules with 3 to 5 year client contracts; increasing dependence on supply chain customers; mostly large corporations	SME: 130 employees, mostly production operatives; small number of technicians/engineers	Production line workers Technicians/engineers Senior managers	4 2 2
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	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

TABLE 2
(continued)

Case	Sector and Context	Market position-competitive standing	Workplace regime	Occupation	Respondents interviewed (N = 118)
DeliveryCo	US-owned MNC; several sites across UK; parcel delivery company	Moderate market growth; service based on price, quality and speed of delivery	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
MotorCo	Family-owned franchised BMW dealership; Northern 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	Small: 65 employees, including motor mechanics, clerical, warehouse staff and sales reps	Warehouse employees Sales Mechanics Owner-manager	1 2 4 1
Servo	US-AUS-owned MNC; telecommunications technologies; call centre operations	New entrant into monopoly telecommunications sector	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
Telcorp	Publicly-owned; imminent threats of privatization; call centre operations	Experienced significant market dominance through monopoly in telecommunications sector throughout long history	Large: largest Australian telecommunications firm employing technicians, clerical and office staff, call centre employees	Call centre reps Sales	13 12 Plus 4 union officials

Counterposing Managerial Anti-unionism

The response by workers to managements' (anti-union) action was symbolic of highly significant forms of resistance. Above all, worker actions and behaviours 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 "fraternizing" 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 successfully 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 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, 2004: 530). The apparent anti-unionism in this memorandum reflects the level of persuasion imposed on managers to reduce union influence in the firm.

While 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 recognized by management, and union membership may be expected in a situation following union de-recognition. However, at WaterCo 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 that 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 unionization for his occupation (Dundon, 2002).

Evidently, as indicated above, employee resistance and misbehaviour become all the more potent when it is understood how far organizations 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 overt collective resistance reported below.

Counterpoising Inconsistent Managerial Objectives

Collective forms of resistance were not widespread, although, where found, they were organized to some extent, or, at best, consciously realized as a form of resistance. At Mini Steel, workers, with the backing of the de-recognized 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 characterized 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, despite 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 percent outbound and 50 percent inbound – the problem lies with the fact that we are understaffed, not the period of time it takes us to answer the phone (van den Broek, 2002: 53).

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 pursued individually with management, rather than as a group.

Perhaps one of the less organized and more spontaneous forms of collective and direct resistance occurred at WaterCo. Briefly, drivers at one of the sites were in charge of a company vehicle. Management decided that employees could no longer use company vehicles outside of working time.⁵ 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 WaterCo management, coupled with the small social setting evident at WaterCo, 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 recognized as a highly significant form of resistance. Interestingly, after only a few days the “perk” was soon restored by management at the company's head office. Again, in terms of intended outcomes, this is akin to similar acts of resistance.

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, to claiming that certain procedures, such as a 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 how they would collude with warehouse staff so that they could repair a component part (e.g., a starting motor) by saying there was none in stock. This took longer and occasionally turned out to be cheaper for the customer. It was also in direct conflict with management's policy of fitting replacement parts: a new part was a sale for the company and quicker to fit, which speeded up the mechanic's job.

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 "recognize" when monitoring takes place in their workplaces. These workers would also 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, 2008). 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 over 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 instances of “soldiering” (that is, going slow) 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.

Counterpoising Managerial Prerogative

At WaterCo, 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 recognized 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 criticized 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 that “was the only appropriate way that we could do it.”⁷

Another form of misbehaviour which, at times, translated to potential resistance emerged from actions that are often viewed as minor or less significant bouts of mischief. For example, at Mini Steel, personalized (and insulting) messages and slogans targeting the company’s HR Director meant workers found a sympathetic channel to articulate their dissatisfactions. In one episode of sabo-

tage 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 (Dundon, 2002; Dundon and Rollinson, 2004). Respondents interviewed claimed not to know the identity of the individual. However, this direct challenge to management’s anti-union message represented a significant boost to employee morale.

Summary and Conclusion

Rather than analyzing resistance and misbehaviour that “threatens and hurts nobody” (Contu, 2008: 14), or typologizing resistance and misbehaviour as a self-embroiling, post-structuralist tomb of (self imposed) gloom, this paper analyzed employee resistance within its institutional and structural context, and against the emergence of a distinct de-collectivizing managerial dynamic (Peetz, 2002). Our findings highlight the importance of institutional and context-specific factors which underscore the shifting boundaries between misbehaviour and resistance. Arguably, what is often portrayed as types of misbehaviour can in fact substitute for more assertive forms of resistance for those workers denied the opportunity for collective systems to channel their actions (see also Wilkinson *et al.*, 2004). At both WaterCo and DeliveryCo, for example, workers found ways to circumvent directives through 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 responses to managerial de-collectivism could also highlight a trend towards collaborative (rather than collective) bargaining based on occupational (rather than institutional) citizenship and solidarity (Wilkinson, Dundon and Grugulis, 2007).

The evidence further shows that, given that the majority of workers in capitalist market economies now lack formal collective representation, reliance on traditional (and often formalized and collective) indicators of resistance have become limiting analytical tools in depicting and understanding workers’ acts of defiance and resistance. Arguably, therefore, to ensure the future identification of dynamic manifestations of resistance, a more nuanced framework is required. The anchor of such a framework, we argue, is the changing structural contexts and variables within which the labour process takes place and within which managerial choices are played out. This is particularly relevant to employees in both large and small firms and union and non-union firms that deploy strategies to de-collectivize and dilute labour agency.

Although proxies of strikes and lockouts have utility, the problem remains that these only record one particular collective manifestation of resistance and they

do not offer the explanatory power 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 critical in understanding how reward-effort relationships are recast in a variety of (trans)national industrial and occupational settings.

Amid new (technologically paced) forms of work organization and so-called flatter and leaner workplace regimes, the boundaries between what is often perceived as misbehaviour on the one hand, and resistance on the other, have become blurred. Despite its increased confiscation into more discursive territories, the employment relationship remains central to understanding the nature of both resistance and misbehaviour. While Ackroyd and Thompson (1999) 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" (1999: 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. 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 formalized institutions of industrial relations, that we need to (re)consider individual and localized forms of agency within the wider political economy of western de-industrialization and de-collectivization.

Finally, employee and occupational identity have been important factors 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, 1999), there is also a more fundamental requirement to locate the indeterminacy of labour within specific occupational, institutional or structural contexts in which resistance and misbehaviour emerges, evolves and is played out at the point of production/service delivery. This would allow for a more nuanced understanding of the changing nature of employee resistance within the political and industrial (as well as the identity) context in which it emerges.

Notes

- 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).
- 2 Further details are summarized in Tables 1 and 2.
- 3 Interview CSR Servo, 1996.
- 4 It is perhaps not insignificant that since the research at Mini Steel in the mid 1990s, the company signed a union recognition agreement and the (offending) Personnel Director removed by the board of the company, a German-owned multinational.
- 5 This was to lower insurance costs.
- 6 Interview CSR, 1995.
- 7 Interview Employee (OE10), 17.4.96.

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SUMMARY

(Still) Up to No Good: Reconfiguring Worker Resistance and Misbehaviour in an Increasingly Unorganized World

The way worker resistance and misbehaviour have been analyzed has undergone significant transformation over the past few decades. While researchers have observed the quantitative decline of formal or organized forms of industrial relations conflict, others have highlighted the emergence of informal and individualized (mis)behaviours. There have been a range of reasons advanced to explain both the decline in industrial disputes and in the lineal approaches to analyze workplace conflict. This article cautions the increasing tendency to analyze resistance and misbehaviour in an institutional vacuum.

Drawing on longitudinal research across multiple organizational settings in Australia and Britain, the article identifies the longevity of institutional and structural factors to explain workplace behaviours, particularly among weakly organized workers. The evidence presented in this paper emphasizes the need to analyze employee resistance within its institutional context. The range of behaviours identified here in many non- or anti-union settings were shaped by the changing structural and institutional workplace regime: by sector, size, structure or managerial strategy (among others).

By recognizing the importance of context and place, we argue that what is often portrayed as types of misbehaviour substitute for more assertive forms of resistance by workers who are vulnerable in the labour market or denied access to traditional collective structures of representation.

KEYWORDS: resistance; misbehaviour; institutional change; non-union

RÉSUMÉ

Encore quelque chose de louche : la reconfiguration de la résistance ouvrière et les conduites déviantes dans un monde du travail de plus en plus désorganisé

La manière d'analyser la résistance ouvrière et les conduites déviantes des travailleurs a connu une transformation significative au cours des dernières décennies. Tandis que plusieurs chercheurs ont observé le déclin quantitatif des formes organisées ou de l'aspect formel des conflits en relations du travail, d'autres ont mis en lumière l'émergence de conduites d'opposition ou déviantes de nature informelle et individuelle. On a bien avancé un éventail de raisons explicatives à la fois du déclin des conflits en relations du travail et de l'apparition d'approches plus directes pour étudier le conflit sur les lieux du travail. Cet article invite toutefois à la prudence devant la tendance à analyser les phénomènes de résistance et de conduites déviantes dans un vacuum institutionnel.

Prenant appui sur une recherche longitudinale auprès d'une multitude de milieux organisationnels en Australie et en Grande-Bretagne, l'article identifie la longévité de facteurs institutionnels et structurels pour expliquer les comportements en milieu de travail, particulièrement chez les travailleurs faiblement organisés. Les observations réalisées dans notre étude renforcent la nécessité d'analyser la résistance ouvrière dans son environnement institutionnel. Selon nous, les diverses conduites identifiées ici dans plusieurs milieux sans syndicats ou antisyndicaux ont été façonnées par les changements structurels et institutionnels survenus dans le régime même des relations du travail : selon le secteur, la taille, la structure ou la stratégie de la direction (entre autres choses).

En reconnaissant l'importance de l'environnement et du milieu, nous soutenons que ce qui est souvent dépeint comme des types de conduites déviantes de la part de travailleurs constitue plutôt un substitut pour des formes plus affirmées de résistance de la part de travailleurs plus vulnérables sur le marché du travail ou auxquels on nie l'accès à des structures traditionnelles de représentation collective.

MOTS-CLÉS : résistance, conduites déviantes, changement institutionnel, non syndiqué

RESUMEN

Algo turbio (todavía): reconfiguración de la resistencia laboral y comportamiento inapropiado en un mundo cada vez más desorganizado

La manera de analizar la resistencia laboral y los comportamientos inapropiados de los trabajadores ha conocido una transformación significativa en las últimas décadas. Varios investigadores han observado la caída cuantitativa de las formas organizadas o formales de los conflictos laborales, mientras que otros han hecho resaltar la emergencia de comportamientos de oposición o de conductas marginales de naturaleza informal e individual. Se ha avanzado un gama de razones explicativas de la caída de los conflictos de relaciones laborales y de la aparición de enfoques más directos para estudiar el conflicto en los lugares de trabajo. Este artículo emite una advertencia respecto a la tendencia a analizar los fenómenos de resistencia y de conductas marginales en un vacío institucional.

Apoyándose en una investigación longitudinal efectuada en múltiples contextos organizacionales en Australia y Gran Bretaña, el artículo identifica la longevidad de los factores institucionales y estructurales para explicar los comportamientos en el medio laboral, particularmente de los trabajadores poco organizados. Las observaciones realizadas en nuestro estudio refuerzan la necesidad de analizar la resistencia laboral en su contexto institucional. La gama de conductas identificadas aquí en varios medios sin sindicato o antisindicales han sido determinadas por los cambios estructurales e institucionales ocurridos en el régimen de relaciones de trabajo: según el sector, el tamaño, la estructura o la estrategia de la dirección (entre otras cosas).

Reconociendo la importancia del ambiente y del lugar de trabajo, se sostiene que lo que es frecuentemente presentado como tipos de conductas marginales de la parte de los trabajadores constituye mas bien un sustituto de las formas mas afirmadas de resistencia de la parte de los trabajadores más vulnerables en el mercado de trabajo a los cuales se les niega el acceso a las estructuras tradicionales de representación colectiva.

PALABRAS CLAVES: resistencia, comportamientos marginales, cambio institucional, no sindicalizado