

Unions and Industrial Action

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Acknowledgements

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Steven has worked with Unions 21 on a part-time secondment since March 2024 to lead our industrial relations research project. You can read about the project's other findings on our website unions21.org

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Introduction

What is the point of industrial action?

Before undertaking industrial action, this is the vital question unions should be asking themselves. This is because we need to be able to easily articulate why we are taking this right now, what we're trying to achieve and whether this actually gets us to a better point in negotiations. While the specifics will vary, successful industrial action should serve two functions for a union:

1. To enable a settlement of the dispute with a better outcome for members; and
2. To build the union's capacity and increase its power for the future

Ideally, action should be able to achieve both of those functions for us to consider it successful.

To give insight into the impact of industrial action on unions, we have spoken to senior officials at a number of unions who have balloted on and/or taken industrial action in recent years. From this, we have identified key themes that can help unions make better strategic decisions in disputes and ensure that where they take industrial action it is successful.

Two main themes have arisen.

The first is that the relationship between member engagement and the bargaining process at the national and enterprise level can determine success. We saw clear signs that the level of bargaining affects members' willingness to take action.

The second is the importance of investment in infrastructure in disputes. That is, in terms of the technology that we use, the data we hold and the effectiveness of our processes to engage with members.

We agreed to anonymise the case studies in order to protect sensitive information and so have referred to the unions in alphabetical order 'A', 'B' etc.

Although most (but not all) of these unions have been based in the UK and will reflect the current UK legislative and regulatory framework, we believe there are key lessons here that can be useful for unions in other jurisdictions too.

Do unions choose enterprise or national level action?

What moves the dial, engages members and wins?

When we think about collective bargaining in terms of industrial outcomes, we know that the higher the level at which collective bargaining takes place, the more workers are covered by the negotiations. This leads to a greater impact from collective agreements. We also know that bargaining at a national or sectoral level is more efficient for unions than carrying out negotiations at an enterprise-by-enterprise level. It is for these reasons that unions have typically pushed for national pay bargaining.

However, there has been relatively little attention paid to the relationship between bargaining level, quality of engagement with members and connection to bargaining outcomes.

There is a mountain of research showing that unions have a greater chance of winning for members and building union capacity by focussing around issues that are widely and deeply felt. Reflections from our research are that another element needs to be added – the locality to the members' everyday working lives. The closer to the member the issue is, the greater the chance of action and success.

Engagement is key to successfully preparing members for industrial action and building the union's leverage in negotiations, while the connectedness that members feel to the bargaining process is crucial in helping them understand the link between their membership and activism and the union's strength and its achievements.

Our research suggests that while national and sectoral bargaining may give wider coverage, bargaining at the enterprise level gives members a higher level of engagement and a better sense of ownership over the bargaining processes. This in turn may allow the union to push for better pay outcomes.

The tension between national coverage and enterprise level engagement plays out in the case studies below. In both these instances, the unions involved organise at both national and enterprise level.

'Union A' represents members at both a sectoral and local level. Senior officials reported that it has been difficult to engage lay members in sectoral bargaining processes. Indeed, at best, members viewed negotiations at sectoral level as

important but something that 'the union' should be dealing with for them. At worst, it is something members are not even aware of.

Members seeing sectoral bargaining as remote from their everyday experience means there is the added pressure of doing more work to communicate with members around the issue.

Not only does the union have to explain any action in relation to the negotiations, it also has to convince members to take action. The distance between members and the negotiations brings a risk that the key points within discussions might not be the ones that members are connected to and will take action on. By contrast, when the union subsequently bargains with individual enterprises (by using the sectoral settlement as a floor to build on in negotiations), members appear to better understand and engage with the process.

A senior leader reported:

"Whether the going rate in the sector is 3% or 5% doesn't seem to really capture members' attention, but when their employer tries to minimise the local top up payment from 1% to 0.5%, that really gets them angry".

This dichotomy between national and local level was also highlighted by another example with, 'Union B'.

Whereas union A struggled with engagement with members at national level, Union B had a national round of bargaining and noticed good engagement with members and a moderate increase in membership. During the negotiations, some elements of the union's claims were won but others remained unresolved. However, when it came to pushing to complete the union demands, members were not invested enough to push for the entire package.

At the same time, the union also had a pay dispute directly with an employer in a mid size enterprise. In this instance, there was a high level of engagement from members around the dispute and a strong feeling directly aimed at what was considered unreasonable behaviour by the employer. The union leveraged this sentiment to significantly increase its membership density and successfully call for industrial action. The union ultimately reached a settlement that fully met their pay claim.

Thoughts for unions

Sectoral pay bargaining remains the best way of delivering higher levels of collective bargaining coverage and overcoming the increased fragmentation of

labour markets. However, the more centralised the process is, the harder it is to connect it with the everyday lives of members and potential members.

Consider how you will link the sectoral bargaining with local considerations.

A better approach might be to 'top up' central outcomes with local bargaining as is the case in Australia and other jurisdictions. This gives members more understanding of the union's role in negotiating pay as well as greater ownership over the process and a better sense of collective autonomy. There may be occasions when a dispute at a national level is unavoidable, but in terms of engaging members and preparing them for a successful industrial outcome, the evidence suggests that disaggregation of disputes to enterprise level has better prospects.

Infrastructure matters

One reason why localised disputes might have better engagement levels is that their smaller scale makes it easier for the union to map the workplace and meaningfully communicate with the membership. Unions should seriously think about the state of their organising infrastructure and how that impacts their strategies.

This is what we'll be exploring in the next chapter.

Infrastructure matters

Can your union actually handle action?

Union infrastructure is not often talked about but it still remains key for our ability to be successful, in any action or activity. For clarity, what we are talking about here refers to not only the physical or digital tools that we use (e.g. CRM systems) but also the capacity of the union e.g. rep coverage and mapping ability.

Within the discussions we held with unions, it was clear that a union's ability to run successful disputes was restricted by their infrastructure. While some unions only discovered this once a dispute was underway, others were able to make calculations early on that they could not engage in a particular dispute because their infrastructure would not withstand it.

As one senior union official commented:

"We are in a place right now where the primary consideration in whether to take industrial action is not whether or not it would be the strategically correct choice in a dispute, but whether or not our rep networks and membership lists are up to the task. The decision making is driven by operational constraints rather than by our industrial strategy."

Union C had a number of disputes which characterised this dilemma. It had a dispute with a small employer where membership density was high and there was a well-organised local network of reps. Previous to, and throughout the dispute, the union used this strong industrial infrastructure to regularly map the workplace and communicate effectively with members. The effect of this was that the union was able to secure a high mandate for industrial action which ultimately led to a pay settlement that exceeded even the initial claim.

Union C had a further dispute with a mid-sized employer where membership density was much lower and there was a considerable amount of workplace churn so the base of potential members was regularly shifting. However, the union had a strong group of reps and an issue that had alienated the vast majority of staff from the employer. In comparison to the small employer, the infrastructure was relatively weaker. However, the strong feelings of resentment felt by staff was channelled into joining and organising with the union towards a pay settlement. Membership density saw a huge increase and a strong vote in favour of industrial action gave the impetus for a settlement.

Finally, Union C had a national dispute that covered most of its membership. The landscape of union infrastructure was mixed. In some areas, membership data was poor, local rep coverage was minimal or non-existent and the union struggled to judge member sentiment regarding a pay dispute or potential industrial action. While a good outcome for members was found before the dispute escalated further, the experience was a caution for the union that deficiencies in the national organising infrastructure meant that the strategies the union had successfully pursued at a local level were difficult to implement at a national level.

Previously, Union D had entered into a difficult round of negotiations with a large, national private sector employer. Although a successful resolution was found, the experience of undertaking that dispute pushed the union to reflect that if the status quo was maintained, the next round of bargaining would be even more difficult.

Although on paper, the union had relatively high membership density and good rep coverage, just as with Union C, there were a number of challenges in relation to a national dispute. For example, the membership density did not translate into good quality data and contact information, and a high number of local reps did not mean regular, effective communication between them, members and the union head office.

In an attempt to map the areas that needed attention and to improve the integrity of membership data, the union invoked a dispute around a number of non-pay issues in the workplace and turned this into a national campaign.

Although the issues were real, they were quite nebulous and ambiguous. As one senior official remarked, "it meant something different to everyone". Whereas in other disputes, this ambiguity would be an unintended weakness, this was a deliberate strategic choice. The union picked the ambiguous issues as the basis of a simulation to identify where their infrastructure was strong and where the weaknesses were.

This 'engagement dispute' was deliberately drawn out to allow time to complete the infrastructure mapping and was eventually resolved by a number of small concessions from the employer. While this led to some short term disappointment from members, the real value to the union was that the campaign had allowed them to improve their capacity, engaging with reps in areas where communication was lacking, leaving them in a much better dispute-ready state.

Running this exercise before the expected larger dispute with the employer meant that it was easy to reactivate the dispute machinery with muscle memory and allow the union to mobilise quickly. At the end of this dispute, a good settlement was reached. enabling a strong industrial action mandate that led to a good pay settlement.

Thoughts for unions

How can we ensure that unions move to a place where the major consideration in decisions about industrial action are its effectiveness as a strategic tool in a particular dispute, and not the effectiveness of our internal systems to withstand it?

Readying a union for industrial action takes a significant amount of resources, and in the UK industrial action legislation has put a further strain on infrastructure due to the strict requirements around postal balloting and accuracy of union data.

Even if there is not a prescriptive legal framework in place, it is important that unions fully consider the pressures on them when organising effective industrial action. We can't wait until it's too late to discover the scale of the challenge

Investment in infrastructure is needed whether in dispute or not

We have to remember that infrastructure is not just about tools and technical support, but about the quality of our knowledge, communication and relationships. Investing in a cutting edge CRM is a worthwhile thing for any union, but even the best CRM is only as good as the data we can collect and enter into it.

Unions must factor in the infrastructure cost of industrial action. We should aim to be in a place where our systems are always prepared for action. However, we should be realistic that even when our infrastructure is ready there is always a cost to unions in taking action.

Therefore, the union needs to have a clear infrastructure plan which assumes that over the year, the union will engage in action.

Be realistic with strengths and weaknesses

Unions must also not confuse mobilising and organising. As Union C found in its national dispute, there is a substantial difference between mobilising workers to

take action and organising them to be in a state of readiness to take action. Without putting in the work on the latter, the former is impossible to do effectively.

Relating back to the previous consideration about having an investment plan, the union must prepare for action in other ways. Simulations around action to stress test infrastructure as Union D did with their engagement dispute will identify operational needs to be fixed before becoming involved in a serious dispute. This is something that should be a consistent and ongoing exercise.

Moving forward for unions

How, when and how often to take industrial action is something that will vary for every union, every industry and every dispute. It is important to note that all of the unions we spoke to in this research all had very different cultures and political views around industrial action. This means the themes we notified are not determined by the political or cultural leanings of a union but can be applied or considered across the trade union movement.

Regardless of position, all of the unions spoken to recognised that strikes and collective action remain the most impactful action a union can take and where they deemed it appropriate they wanted it to be as effective as possible.

The relationship between national and local is key to connect the union and issue with the member and this can only be achieved if we invest in our CRMs, staff and data.

Unions need to acknowledge that regardless of the legal landscape it requires a lot of time, effort and investment to ensure the health and wealth of the union. This should be a key consideration in every union's strategy.

To help unions consider the investment that they need, they should consider undertaking a maturity assessment which could give insight into the areas that need developing.

Unions 21 has developed a model which you can access [here](#)

For more insight on data and its use, you can refer to a previous Unions 21 report '[Using data to build strong unions](#)'.