

Politics, Social Media, 'Apptivism' and Labor Relations

Some further thoughts on social media and HR today

(a follow up to "Social Media, Apptivism and Existential Unionism")



By Tom Hayes, BEERG Executive Director

Negotiating Our Way Up: [Collective bargaining in a changing world of work](#), a recent report from the OECD, says that the share of workers who are union members has fallen sharply across OECD countries, from almost 30% on average in 1985 to 16% in 2018. Down by half. The share of workers covered by a collective agreement has also shrunk from 46% on average in the OECD in 1985 to 32% today.

Membership is even lower among workers in non-standard jobs, such as people on fixed-terms contracts, temporary workers, or own-account workers, who are 50% less likely than workers in open-ended contracts to be unionised.

There is little or no evidence that this situation is going to change anytime soon. Trade unions as we have known them were largely structured around mass employment in large organisations which allowed for economies of scale in organising and bargaining. Negotiating a collective agreement for a “group or grade” of several thousand is one thing. Trying to do the same for thousands of “individualised” hi-tech/high-skill workers or small groups of personal service workers in scattered workplaces is another.

None the less, unions will continue to be important. Even if membership is only half what it used to be, representing 16% of the workforce is not insignificant and still brings power and influence. But in the workforce that power and influence will be restricted to areas where the unions have traditionally been strong: manufacturing industry (or what remains of it); the waterfront; public transport and the public services. Elsewhere, there may be pockets of membership. But they won't be deep pockets.

If a return to mass union membership collective bargaining is not the future what is? Two paths seem open:

1. *Pay and working conditions to be set by legislation, resulting from interactions between politicians and pressure groups/lobbyists/activists*
2. *Social media-based activism, “Apptivism”*

Political Pay Setting

For personal service workers in scattered workplaces –such as fast-food restaurants, App platform workers, social care homes-services – where unionisation is difficult because of the geographic nature of the

workplaces and the often-high staff turnover, legally enforceable minimum pay and conditions frameworks will be increasingly resorted to. Nothing new under the sun.

In Ireland, for example, Joint Labour Committees [JLC's] determine terms and conditions of employment for workers in particular sectors and are legally binding. JLC's are in place in Ireland since 1946 and cover approximately 200,000 workers. The various agreements on pay and conditions made by JLCs are known as *Employment Regulation Orders (EROs)*. (I do know there have been legal and political controversies on JLCs in recent years).

Australia has a three-tiered system:

- *The National Employment Standards (NES) are 10 minimum employment entitlements that have to be provided to all employees. <https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>*
- *Awards (modern awards) are legal documents that outline the minimum pay rates and conditions of employment. There are more than 100 industry or occupation awards that cover most people who work in Australia. (See [here](#))*
- *On top of this, there is scope for enterprise-level bargaining where employees request it. Bargaining is not limited to unionised workplaces. Non-union groups of workers can ask for a collective agreement.*

Many cities and a growing number of states across the US have increased the minimum hourly rate to \$15, to be phased in over a number of years. In low wage sectors, where there are no unions, advocacy groups will increasingly pressurise politicians to intervene in setting pay and conditions floors.

In the UK, the Labour Party is proposing a return to sectoral collective bargaining, the results of which would be legally binding on all businesses in the sector. Whether or not Labour will get a chance to enact their proposals anytime soon is beside the point. The concept is back on the table for discussion. As it is in the US where a number of the Democratic presidential contenders have published comprehensive labor platforms, some of which call for sectoral bargaining, as well as for worker representation on corporate boards

The European Trade Union Confederation (ETUC) and its affiliated unions are currently campaigning for a European Directive on collective bargaining, the cornerstone of which would be a strengthening of sectoral bargaining where it exists, and its establishment where it doesn't.

IndustriAll global, through its ACT initiative, is trying to persuade global brands and garment retailers to push for sectoral bargaining in countries such as Cambodia, Thailand and Vietnam. However, IndustriAll and brands cannot unilaterally impose sectoral collective bargaining on third part contractors in sovereign countries. This would require the governments in those countries to introduce facilitative legal frameworks.

In other words, unions across the world seek to increasingly rely on the law rather than on their own economic leverage. A sign of weakness rather than strength. And if they fail to meet their objectives their weakness will be all the more apparent.

Social Media "Apptivism"

Social media-based activism, "Apptivism", which we have already described [here](#), involves groups of concerned employees sharing thoughts through WhatsApp or some other, closed online discussion forum.

Out of such discussions can come calls for action, such as globally coordinated walkouts on specified days for a couple of hours.

Aptivism, then, is a mix of discreet, on-line discussions blended with attention-grabbing "media stoppages". "Media-stoppages", as the name suggests, are crafted to "frame the narrative" rather than to apply economic pressure as old-line strikes sought to do. Those who manage to frame the narrative generally also get to set the terms of the debate.

The past few years have seen workers across the tech industry walk out to protest a range of issues, from workplace sexual harassment and the over-lenient treatment of some offenders, demands for sectoral minimum wages (Fight for Fifteen), to an insistence that companies refuse to work on certain types of contracts for US government agencies, or undertake projects for foreign governments. In one [protest](#) employees challenged their own company's alleged "complicity in the climate crisis".

Looking at the range of protests they can be broken down into what we can call "employment-centred" and "business centred" protests. (I am more than happy if anyone can suggest an alternative formulation).

By "employment-centred protests" I am referring to actions which focus on traditional workplace issues. These include the basics such as pay, overtime hours and rates, working conditions and, increasingly, concerns around equality, inclusion and discrimination. The *Fight for \$15* falls into this category, as does the *#MeToo movement* and the Google walkout to protest the payment to a dismissed executive who was accused of sexual harassment.

"Business-centred protests", on the other hand, refer to actions taken by employees which focus on the entrepreneurial activities of a company, the work the company may be doing or proposes to do. They can also focus on political actions by the company, such as support for particular candidates or lobbying on proposed legislation or rules. The climate change protest referred to above is another example.

While labour law in most Western countries clearly protects the right of workers to protest employment conditions, the extent to which protection extends to business-centred protests is unsettled and could vary considerably. I will leave it to others more knowledgeable of the law than me to explore this topic.

So, how should employers respond to Aptivism when Aptivism lacks clearly defined leaders with whom management can engage?

"Employment-centred protests" about pay, working conditions and employment ecosystem have always defined labour and employee relations for as long as one person went to work for another. The wage/effort bargain is at the heart of the employment relationship. In return for giving my time and skills to my employer I am given a compensation package. However, because circumstances constantly change, the wage/effort bargaining is subject to continual renegotiation, in one way or another. This constant renegotiation is probably best described as an expression of "employee voice" and exists whether or not there is formal representation through unions or works councils.

What employers need to do is to find ways of listening to that voice, especially in the absence of traditional structures of representation. How can this best be done?

In most parts of the world collective employee voice is largely restricted to representation through trade unions. I differentiate collective employee voice, which requires a degree of organisation on the part of employees themselves, from human resource managed initiatives, which are generally individualised. However, in western Europe other channels of collective voice are available through works councils and board participation. European Works Councils provide for a transnational level of voice. Membership of

works councils is open to all employees. They are not restricted to union members. Positively engaged with, these councils can add value to the business. All operate within legal parameters set by the European Union and/or national governments.

Outside of western Europe, properly structured involvement forums could offer one approach. Such forums would meet regularly, be made up of both management and employee participants and have a written framework of rules within which they would work. Whether they are simply discussion forums allowing for an exchange of views and opinions or forums where discussion is "with a view to reaching an agreement" has to be decided on a company by company basis.

In the US there is also a difficulty that the law prohibits employers from "dealing with" such involvement forums or employee committees that are established with a view to reaching an agreement. Employers can engage in bilateral dealings only with labor organizations lawfully selected by employees in a bargaining unit as their representative.

What involvement forums are not is free-wheeling, all-hands meetings where anyone can turn up on the day and raise any issue they want. Such meetings may make people feel good but whether they achieve anything is open to question.

A second approach is to try and capture employee voice through open and transparent Apps, online forums to supplement face-to-face forums. Management needs to make it clear to employees that they, management, engage with such online forums so that they can pick up issues as they develop and get out ahead of them. No hidden surveillance has got to be a cornerstone of such listening by management.

Dealing with "business-centred protests", focused on politics and business activities, is a relatively new issue. Of course, employees have always discussed politics within the workplace, sometimes bitterly so. And employees have often been critical of the direction of travel of the companies in which they work. But such discussions and criticisms have generally stayed within company walls. They have rarely gone public.

It seems to me that these "business-centred protests" are fuelled by (1) a lack of clarity on the part of companies about what business they will do and what business they will decline to do; (2) this lack of clarity can result in divergent expectations on the part of some employees. (It is worth noting that while "employment-centred protests" can have considerable support, "business-centred protests" are not as widely supported, by quite some margin).

Companies change and in changing they often outgrow their start-up culture. Business models become more complex and decision making more difficult and challenging. As companies grow and expand the range of their businesses they should constantly define and redefine who they are and what they do. And communicate it, especially to their workforce.

While companies should pay attention to the views of all relevant stakeholders, in liberal market economies it is ultimately for the board of directors and shareholders to make these defining decisions. These decisions should be made in the best interests of the company and not simply in deference to the loudest, dissenting voices with an App megaphone.

Of course, when companies redefine their purpose in life, they may lose some colleagues who are unwilling to make the transition. They see the way the company is evolving as no longer congruent with their own, personal values. For example, they may be unhappy working for a company that is engaged in military technology projects or whose stance on the ethics of AI they are uneasy with.

For employees who cannot make the journey that the company is making, an honourable exit should be provided if alternative positions within the company that take them away from contested programmes cannot be found. Though staying with the company in any role may no longer be an acceptable option for them.

Companies may lose valuable talent this way. But they are the choices that must be made. Sometimes differences are just irreconcilable.

The same approach should be adopted when recruiting new employees. Companies need to be honest about what it is they do, or plan to do. If the candidate is unhappy with what she or he hears they can walk away. Again, a company may lose valuable talent this way but bringing them on board and then losing them when they discover you have been less than honest with them is even more disruptive.

When one of your key strengths as a company is opinionated, high-skilled employees the importance of transparency about who you are and what you do as a company cannot be overstated. Dishonesty or hidden agendas will lose such employees in a heartbeat.

In his book *Exit, Voice, and Loyalty* The economist Albert Hirschman wrote:

"Under any economic, social or political system, individuals, business firms, and organizations in general are subject to lapses from efficient, rational, law-abiding, virtuous, or otherwise functional behaviour".

As Tim Harford [comments](#) in the Financial Times:

"Hirschman's book is about how we register our discontent with such lapses, and whether our discontent makes a difference. Do we walk away? Do we protest? Or do we suffer in silence?"

Suffer in silence? Not while you have an App you don't.

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