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Flex work, flex representation?

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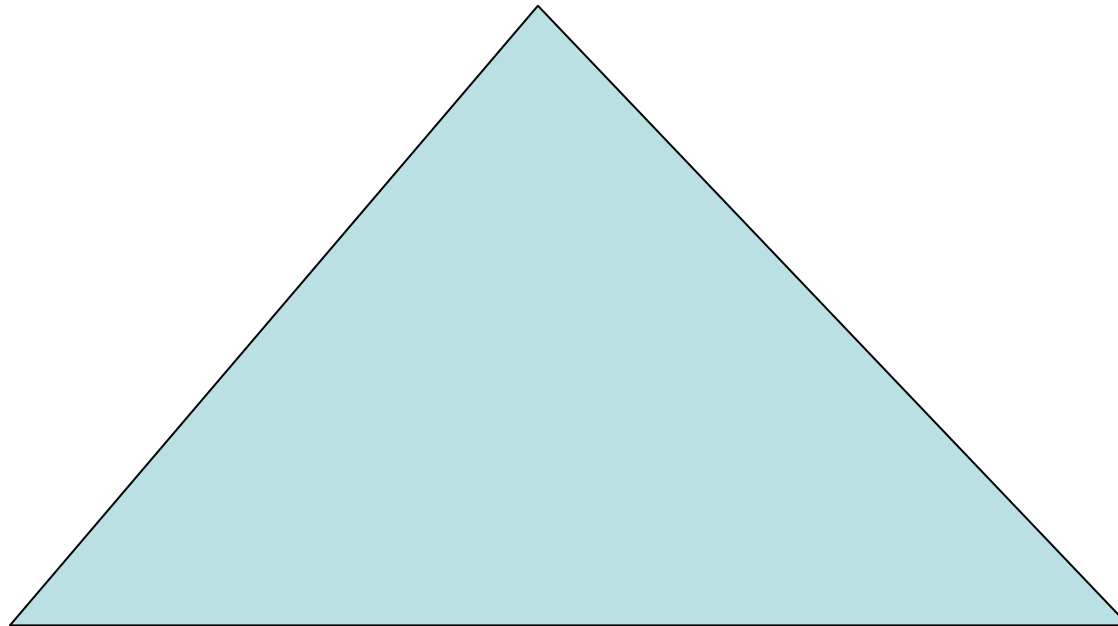
- traditional representation strategy

- alternative 'flex' representation strategy

4 Conclusions

Introduction

Temporary agency worker



User firm

Temporary agency

Directive on temporary agency work (2008/104/EC)

- Article 7 Representation
 - Temporary agency workers shall count under conditions established by the Member states, for the purposes of calculating the threshold above which bodies representing workers provided for under Community and national law and collective agreements are to be formed *at the temporary work agency*
 - Idem at the *user undertaking*
 - Those member states which avail themselves of the option provided for in par 2 shall not be obliged to implement provisions of paragraph 1
- Article 8 Information of workers' representatives
 - The user undertaking must provide suitable information on the use of temporary agency workers when providing information on the employment situation in that undertaking to bodies representing workers set up in accordance with national and Community legislation

2 Theoretical models of representation

Two Logics of Collective Action (Offe)

Collective action problems:

'First logic'

appeal to economic rationality

Cognitive models:

employee participation leads to
higher levels of performance
(Lawler et al 1995)

'Second logic'

emotional, affective appeals
to motivate collective action

Emotional, affective models:

involvement fulfills higher order needs
which lead to greater satisfaction
which strengthens motivation, job
satisfaction (Blake & Monton 1964)

Classic Forms of Representation

- Collective bargaining: trade unions
 - models organizing contingent workers (Jaarsveld, 2004)
 - Occupational unionism(Cobble, 1991)
 - Associational unionism (Heckscher,1988)
 - Geographical occupational unionism (Wial,1993)
 - Citizenship unionism(Stone, 2001)

Worker representatives: works council

Positive Effects of Works Council Interventions on Performance

- Intermediate function of commitment and satisfaction of employees in HRM-performance relationship (Guest et al 2000; Wigboldus, Looise, Nijhof,2008)
- Channels (Freeman & Lazear, 1995; Dundon et al, 2004):
 - Level of attitude (motivation and trust)
 - Behavioural level (turnover, absenteeism)

Type of representation

De jure	<i>vs</i>	De facto
Technical focus	<i>vs</i>	Distributive focus
Level company group, plant	<i>vs</i>	Sectoral, (supra)national,
Ownership	<i>vs</i>	Voice

Source: Gonzalez 2009

Classification of (in)direct participation mechanisms

- *Informative* refers to downward communication (top down)
- *Consultative* refers to where workers opinions is sought
- *Delegative* refers to where workers are given decision making capacity on a given set of issues

3 Empirical Research

(source Sol et al 2009)

Goal systematic knowledge on representation of agency workers; general idea is that it does not function well, but de facto little knowledge

Focus

- representation from European, national, sectoral and company perspective
- effect of form of representation on labour conditions like pay, health and safety and vocational training

Two levels

- law and cla's at national/sectoral level
- casus research of formal representation at plant level

5 countries France, the Netherlands, Poland, Sweden, United Kingdom

Traditional strategy

Regulation of representation structures according to law and/or CLA

	France	The Netherlands	Poland	Sweden	The UK
<i>Representation in user firm</i>	Yes	Yes, by work council; Union if firm CLA	No	No	Yes, if union is recognised
<i>Representation at the agency</i>	Yes	Yes, by work council	Yes	Yes	Yes, if union member
<i>Right to vote to work council or union at agency</i>	Yes	Yes, after 6 months	Yes, after 12 months	No	No
<i>Right to be elected work council</i>	Yes	Yes	-	-	-

Traditional Strategy

Regulation of labour conditions

	France	The Netherlands	Poland	Sweden	The UK
<i>Right to equal pay</i>	Yes	Yes, after 26 weeks	Yes	Yes, for blue collar workers	No
<i>Rights safety representative at user firm to represent agency worker</i>	Yes	Yes	Yes	No	Yes
<i>Right to vocational training</i>	Yes	Yes	No (yes after 6 weeks at one user firm)	Yes (but no absolute obligation for the employer in CLA)	No (same as for permanent staff)

Alternative strategies: Flex representation Workplace Level

A. Informal representation arrangements

- User Firm
- Temporary Work Agency

B. Formal representation arrangements

Forms of Informal Flex Representation

User Firm

- Flex coordinators
- Easy accessibility in-house construction for TWA
- Trade union flyers temp topics on a monthly basis at user firm plant
- Regular meetings between work council members and trade union CLA negotiators for CLA consultations

Forms of Informal Flex Representation

Temporary work agency

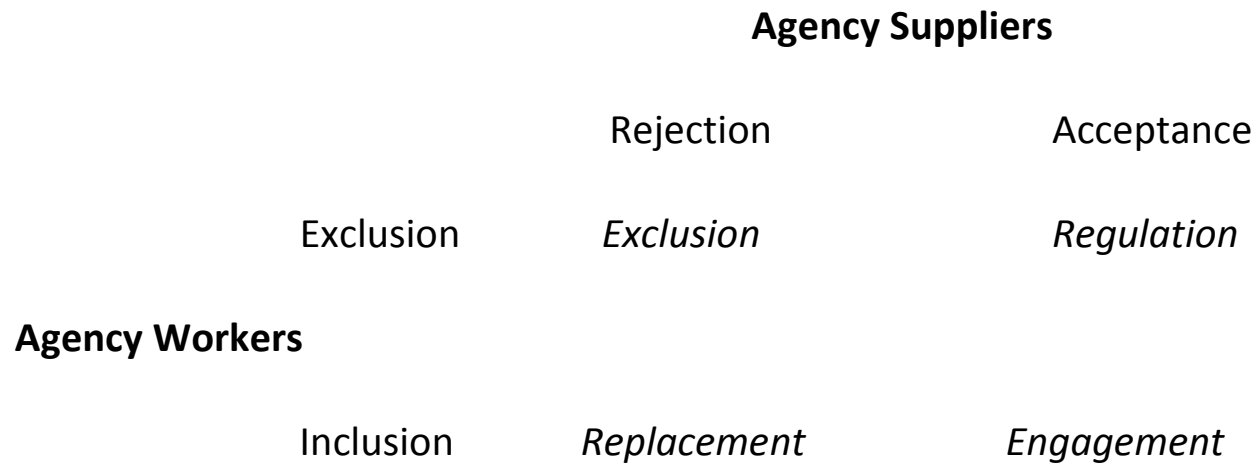
- Guidance and employability temp worker as kpi for staffing consultant
- Informal talks member work council with regional business unit director (twice a year)
- Regular meeting between work council members and trade union CLA negotiators for CLA consultations
- Separate flex agenda for the work council
- Email newsletter by work council (f.e.linked to salary records)
- Email postbox work council (grassroot support)

Alternative Strategy: Flex Representation

Legal arrangement

- Formal arrangement: Committee of the works council
- At User firm
- At Temporary Work Agency
 - Committee of the works council
 - Netherlands: (a minority of) temporary agency workers who are not works council members can be a member both in the temporary work agency and the user firm

Union Strategies towards temporary agency workers



Source: Heery, Edmund (2004) 'The trade union response to agency labour in Britain' in *Industrial Relations Journal* 35:5, p 437.

Focus of Representation bodies

**Regular
Workforce**

Collective
Long term

**Temporary Agency
Worker**

Individual
Short term

4 Conclusions

- Findings:
- Lack of representation and lack of effectiveness
 - representation in traditional form
 - Need for flexible forms of representation

Recommendations:

1. Flexible forms of representation:
 - Best is linkage traditional to flexible forms of representation
 - Combination of direct and indirect participation
2. Elaborate on promising informal flex forms
3. Explore legal possibilities of special committee works council