

## Chapter 2

# Myths and Fantasies in Discussing the End of Organized Labor: What Do We Mean When We Say There Is a Crisis of Labor Relations?

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Since the 1970s and especially the 1980s a general discussion has focused on the idea of trade unions being an increasingly irrelevant part of the European economy and society. There has been an ongoing discussion and set of interventions that have pointed to how economic and social changes – and increasingly political ones – have led to a hostile set of environments for worker representatives and trade unions especially. From the notion that workers are more individualized, to the fact that employers are more mobile and can withdraw from unionized environments, to the way governments have limited the rights of trade unions in terms of collective bargaining in some instances, there is seen to be a significant shift away from the more organized and bargaining based culture which some regard as having determined European labor relations.

However, what exactly do we mean when we speak of a crisis of trade union representation as in the case of Europe which has more systematic and – in general – legalistic systems of worker representation? What are its causes and what are its effects? In particular, is it a straightforward development, given that there are multiple factors and changes? How does the trade union movement respond to these changes and what does that mean in turn? Is it really a crisis of trade union roles or is it more a case of competing pressures and complexities which require an enhancement of trade union representation given that these social changes in fact also challenge the social and organizational roles of management and the state, let alone just trade unions?

There is an uneven understanding of labor and employment relations – and unions – academically beyond the specialist study industrial relations and labor history, and perhaps we need to be cautious of the fact that what we are seeing is

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more complex, with ramifications for other social actors and not just the labor movement. In this chapter I will argue that questions of change are multi-dimensional, that trade unions have indeed developed innovative strategies in relation to them, and that a much deeper challenge is the question of how worker representatives cope with the breadth of changes within the workplace, labor market and the social context. I will start with a basic outline of this question of trade unionism, how its decline is to be understood, and how we need to think more positively about trade union engagement. I will end with a discussion on the deeper crisis of change within organized labor in relation to this issue of having to cope in the face of fragmentation and the multiple roles brought about by this change. The argument is that there is more an issue of overloaded agendas and problems of coping and managing the question of representation and rights. This has ramifications in terms of how conflict is managed and or developed: it means that a range of new conflicts and tensions around emerging social issues and new forms of exploitation at work are not always systematically addressed and engaged with.

## Understanding Organized Labor

The debate on trade unionism varies in terms of its role and contribution. Amongst those more aligned to the trade union movement there has always been a concern with the manner in which trade unions act primarily as organizations defending their members' immediate economic interests (as discussed by Lenin; see Hyman 1975). However, there is also a perspective that sees trade unions as capable of being transformative bodies that challenge the power of hierarchies and the injustices of capitalist society (see Hyman 1975 for a discussion of these optimistic and pessimistic approaches to trade unions and their role in a broader political sense). This narrative of uncertainty is common and shows that – even when trade unions were significant, deemed to be politically important, and having some type of influence over economy and society – their longer term impact has always been a subject of discussion: do they sustain unfair practices within a capitalist system or do they contribute to the broader distribution of economic resources?

Within the sociological and economic study of trade unions we can see this tension in terms of the broader role of trade unions. On the one hand, there has always been a view that argues that, in defending the conditions of one part of the 'core' workforce, trade unions have reinforced an insider/outsider relation between those with core or stable jobs and those without them. Many academics have pointed to how this duality within the workforce has been reinforced through gender and ethnic hierarchies, as for long periods of time trade unions were seen as the preserve of male workers from the majority ethnic background (see Grint 2005 for a discussion). What is more trade unions can become bureaucracies which do not always respond to the needs of its membership or the workforce at large – although this

critique emerges from both the right and the far left of the political spectrum albeit for different purposes (the former to question trade unions and view them as obstacles to individualised labor markets, and the latter to view them as obstacles to a more emancipatory critique of those types of labor market). More recently, in countries such as Spain, we have seen the conservative right portray them as organizations that block a greater mobility of labor, whilst the new left sees them as locked in the system of a corporatist state (criticisms which are more ideological than consistent in the eyes of many commentators; see Fernández Rodríguez and Martínez Lucio 2013).

Yet one has to be cautious about the decline – or supposed decline – in trade union influence as it cannot be linked to this supposedly ‘closed’ or ‘exclusionist’ role they have played, for this would ignore the way they have contributed to major social, economic and political developments. Many also forget the fact that unions change, develop, reflect their environments and contribute in quite complex ways. Historically they have contributed in very innovative ways, as in the case of the UK since the mid-nineteenth century. They have been pioneers in a range of developments (Martínez Lucio 2014), including democratic practices in terms of meetings and policy-making procedures at the organizational level, and more broadly they have intervened in political developments as in the emergence of the Labor Party. They have been central to arguments about the development of the welfare state and welfare support more generally as well as having been pioneers of democratic processes within companies through collective bargaining and various forms of industrial democracy. Since the mid- to late-twentieth century they have responded to the greater call for gender and racial equality by opening themselves up, and in some cases leading debates where once many trade unionists would have been less inclined to do so. They have driven health and safety agendas and been pivotal in widening the concerns with the negative effects of work in terms of labor intensification. Health and safety representatives are an important feature of many British workplaces where trade unions are present. In effect, the role of unions has been diverse and has pushed forward in some cases a more social sensibility within employment and the workplace.

Quite often the understanding of this historical role is lost in the new wave of anti-unionism outlined above which has emerged from various quarters, and that sees trade unions as linked to specific questions of wages and industrial conflict. The question of worker representation and unions has been the subject of gross misrepresentation, regardless of the labor and employment relations (formerly industrial relations) subject area and the insights of academia and its study of trade union innovations. What this means is we are left with an uneven picture of what unions do and why they do it.

## Understanding the Question of Decline and the Nature of Trade Union Renewal

If we are to move away from a political or ideological understanding of decline then we must begin to understand the different levels of change that trade unions are facing in the environments they operate in. It may be these changes are related or reducible to general changes in the system of capitalism, such as in a move to a more globalised economy and a more rampant form of capitalist behaviour. Whether these are responsible for all the subsequent social and political changes, such as the fragmentation of the workforce or the even more explicit employer orientation of the state, is another matter. However, given our limited space here, we should focus on the question of the different dimensions of change and how they affect the power and role of trade unions and worker representatives more generally. Using an updated framework presented a decade ago by the author (Martínez Lucio 2006) we can outline the way unions have been challenged through structural changes in the realm of the political, the economic and the social (see Table 2.1).

Firstly, within the workplace and employing organizations there is the process of the decentralisation of, and in, production; and this takes on two characteristics. There has been greater emphasis on cost centres, teams and line management on the one hand; and local management decision-making, albeit within a more financialized set of controls, within industry on the other hand (Thompson 2011). Capital increasingly desires to develop greater organizational sensitivity to markets and responsiveness in terms of its workers. Central to this is the question of outsourcing and the greater use of a more agency-based and indirect labor force (MacKenzie and Forde 2006). This creates highly complex spaces which are difficult to organize (MacKenzie 2010), and this corresponds to a new logic of the firm.

Secondly, the way management subsequently evokes the market and links worker interests to that of the customer in terms of the need to placate customer demands becomes more visible. The cult of the customer and greater performance management (see Du Gay and Salaman 1992; Garrahan and Stewart 1992) is an important development which aims to swerve loyalties away from the union and the collective.

**Table 2.1** The crisis of organized labor

Dimensions of activism	Crisis of organized labor
Workplace	Decentralisation in the firm and the workplace through teams, cost centres and outsourcing
Management and labor utilisation	New forms of labor utilisation through the quality and consumer paradigm
Social context of work	Fragmentation and individualisation of the workforce
State and regulation	Changing state roles and its decentralisation
The global dimension	Globalisation: the new international dynamic and the gaps in labor in the face of Multinational Corporations (MNCs)
The communication sphere	New forms of communication and the decline of public space and collectivism

The space of production and service delivery is contested with direct forms of engagement between managers and workers becoming focused around business agendas.

These changes at the production and workplace level have been well catalogued in recent years (Stewart et al. 2009). Yet – thirdly – they coincide with social changes in the workforce in the form of their greater diversity and a greater degree of individualisation and change. There are many reasons that lead to this and one could argue that the workforce has always been fragmented with a core male constituency which has been protected (Jenkins et al. 2002). What these new changes mean is that trade unions are locked into representing parts of the workforce and are unable to reach out, given their identity and policies, to less protected or new constituencies of workers. In this volume Guest (2016) argues that the classic employment contract has given way to a new form of individualised psychological contract: this means that workers are more concerned with questions of learning, dignified treatment, transparency, and personal development and not just traditional issues in terms of basic conditions and wages. This view presupposes that many workers engage in a professional or advanced form of workplace – and does not quite engage with more vulnerable and exploited forms of work – but the narrative is important because it suggests that social changes lead to new issues that require a new employer-employee dialogue and sensibility.

At the level of the political, the state is seen as withdrawing from being the protector of the social wage and the role of trade union collective rights. This fourth dimension means that unions cannot easily rely on the state and its political allies within it since the capacity of the state and the orientation of it as an ensemble of institutions has been undermined and has shifted towards a more market driven agenda. This neo-liberal shift in the state has made it more difficult for the unions to influence the politics of work and employment (Howells 2005). In great part this is due to employers breaking their national allegiances and national proclivities, preferring instead to be more mobile between national economic regimes so as to suit their economic objectives for lower labor costs (although the extent of that mobility is questionable; see Lillie and Martínez Lucio 2012 for a discussion). In effect, employers are not forced to work with and engage over the long term with organized labor at the national level, and this can be seen as a fifth dimension: new global developments can fundamentally undermine national regulatory systems, and actors as trade unions are locked into national spaces in terms of their organizational habits. This global shift parallels the changes in the communicative sphere – a sixth dimension – as information and the media are much more diverse and multi-polar, focusing on a more individualised set of communications and activities. The question of social fragmentation is mirrored in the decline of the utility and reach of the trade union message through meetings and traditional publications (Greene et al. 2003).

Hence, change and decline are complex and diverse: they are clearly linked but they operate at different levels, breaking (perhaps) the reach, influence, loyalties, message and relations trade unions have. Social and economic change reduces the ambit of trade union influence. However – and here comes the ironic twist – one can also see a way in which revitalisation could occur through the dimensions outlined

**Table 2.2** Revitalisation and change

	Crisis of organized labor	Union change and revitalisation
Workplace	Decentralisation in the firm and the workplace	The enhancing of collective issues and a new politics of production
Management and labor utilisation	New forms of labor utilisation through the quality and consumer paradigm	The development of a new consumer politics and alternative views of quality management
Social context of work	Fragmented boundaries in social terms and the decline of conflict	New forms of social movement unionism and links between production and consumption issues; migration and new collective identities; new forms of strategic labor conflict and media informed activism
State and regulation	Changing state roles and its decentralisation	Operationalising the state and service provision through social actors such as unions, developing training and inclusion projects
The global dimension	Globalisation: the new international dynamic and the gaps in labor	Networked unionism and new transnational structure
The communication sphere	New forms of communication and the decline of public space and collectivism	Technology and virtual representation

above and as summarised in Table 2.2 which further expands previous work by the author (Martínez Lucio 2006).

The trade union ‘revitalisation’ issue is one that has generated a range of literature and which forms an important part of the labor and employment relations agenda (Frege and Kelly 2004; Simms et al 2012). Trade unions can be highly creative bodies with a strong set of formal and informal structures which are to varying degrees responsive to change. In terms of the dimensions above it was argued almost 20 years ago in a pioneering study by Peter Fairbrother (1994) that decentralisation can contribute to a greater degree of trade union activism within the workplace due to the issues and problems emerging from it in terms of the abuse by management of performance measures or the fallibility of line managers in the face of new forms of people management. Taylor et al. (2003) have pointed to how trade unions are responding in various contexts to the way performance management and control are deployed, and raising the issue of stress and burn-out in political ways. The reassertion of management prerogative through new workplace practices forces unions to reconsider their agendas. In the motor industry, Stewart and Martínez Lucio (1998) noted that the development of labor intensification measures and quality involvement mechanisms led to a new politics of production where health and safety issues, questions of working time and general problems of workplace dignity have become much more significant and contested. Hence, decentralisation and organizational change in the broad sense of the term, coupled with the greater exposure of the

workplace to economic and market pressures, is giving rise to a new set of initiatives and issues.

What is more trade unions have become much more aware of the need to organize and address workers that are indirectly employed or working through employment agencies (MacKenzie 2010). These strategies are common in the USA and the UK where employers are targeted and workers organized in order to raise the issues of poor working conditions and low wages. Trade unions are therefore developing a more flexible set of networks and activists to work beyond the main organized workplaces, even in places such as the Netherlands (see Connolly et al. 2014). This runs parallel with the greater attention being paid to equality strategies by trade unions, especially in various parts of the OECD area (Kirton and Greene 2010).

At the level of the state, trade unions have not been slow to engage with learning resources and the agenda of training, for example, and therefore play new roles in offering support for the personal development of workers (Stuart 2007). Social dialogue in the EU and in many national contexts has, since the late 1980s, begun to see highly innovative workplace and community learning strategies aimed at marginalised and less flexible workers. In the case of the UK, the state during the Labor Governments of 1997–2010 supported a range of innovation projects by trade unions that addressed the needs of vulnerable workers in terms of rights and information (Stuart et al. 2013). Some have argued that such strategies, or those that are focused on particular and piecemeal strategies, rely on the state (see McIlroy's 2008 critique of learning strategies and state funding of trade unionism), though they seem to represent a level of social dialogue activity which concerns the renewal of trade union roles around a range of agendas such as female activist training and disability support.

At the global level the last 20–30 years have seen a greater level of coordination between national trade unions through a range of sectoral and confederal transnational organizations. There are also increasing numbers of Transnational Collective Agreements signed in leading MNCs, such as Volkswagen and Banco Santander, between senior management and trade unions which provide a framework of support for union and workers' rights: they may not be that extensive but they form a new level of activity and support (Hammer 2005). In fact we are seeing trade unions engage with a range of communicative strategies to support such developments and create ongoing forms of dialogue across boundaries which assist with the coordination of company focused campaigns and negotiations (Greene et al. 2003). One cannot yet speak of a 'golden age' of international industrial relations but there are ever increasing examples and developments in terms of international trade union campaigning, organising and negotiation.

So speaking of an age of crisis and decline needs to be nuanced when discussing trade unions. We have seen innovation and change, but we are not yet able to see a fundamental and Copernican revolution in the way the employment relation is regulated, though there are more than enough signs of a transformation of union sensibilities and strategies.

However, since 2006, when the ideas were outlined in terms of Tables 2.1 and 2.2, the situation and context for labor rights, let alone trade unions, has seen a set

of serious challenges which have further undermined such renewal or revitalisation efforts. These represent an intensification of some of the negative trends outlined in Table 2.1.

Firstly, the economic crisis in various nation states started by the financial and banking crisis has brought a wave of state restructuring and withdrawal from social policies in such countries as Portugal, Spain and the UK. The restricting of welfare rights and resources have been paralleled by the emergence due to ongoing outsourcing and flexible employment measures of a more marginalised workforce which on this occasion is also affecting the middle classes and more educated levels of the workforce. The employment experiences – or lack of experience – are extremely negative and we are seeing a more extensive and embedded precarious workforce especially across a range of social categories (Standing 2011). The challenge to the trade unions is that organising such workers is difficult given their distance from the organized and standardised dimensions of the labor market: what is more in some cases the unions are seen to be the representatives of a more protected workforce in cases such as in Spain and its new social and political movements as exemplified by *Podemos*.

To add to this social and economic challenge, there have secondly developed in many national contexts, especially in the south of Europe, a range of public policies aimed at weakening industrial relations and collective bargaining rights in particular. This was common in the UK and the USA in the 1980s, but this neo-liberal turn in state policy in relation to collective rights has been more apparent recently in southern and eastern European countries. For example, time off for trade union duties as well as resources are being challenged in a range of contexts.

Thirdly, the changing character of management – that other side of the negotiating table when it comes to social dialogue (or the third part of the negotiating table if you prefer the ‘tripartism’ metaphor) – has brought a change of orientation given the ongoing ‘Americanisation’ of management education and practice, with its emphasis on marketisation and its denial or ignoring of worker rights (Boltanski and Chiapello 2005; Dubin 2012). We are seeing an active anti-trade union politics linked to a more aggressive right-wing political discourse. It is not just a case of social or labor orientation amongst management – or the lack of it – but also the ongoing limitations placed on human resource managers in relation to such orientations by the ever increasing financialisation of management (Thompson 2011). We are seeing a crisis in the autonomy and social orientations of management irrespective of the rhetoric of corporate social responsibility. This is so often missed in debates on trade unions, i.e. the capacity and orientation and inclinations of management in relation to social agendas and their ability to support trade unions and broader social initiatives. The problem is this is not a crisis of labor relations but a crisis of regulation and representation generally: that is to say it a crisis of the complex and once mutually supportive relations (even if there were tensions) that formed the nature of industrial relations and management during the latter half of the twentieth century especially in Europe.



What we are seeing is a new environment which is challenging the renewal process of organized labor. It is deepening the structural crisis in many ways, especially as the state continues to retreat from a more active and supportive role. Social dialogue in general terms requires some aspects of mutual engagement, and state and employer actors are less engaged than they were in the past in this respect: the crisis of organized labor, if one can call it that, is partly manufactured for political reasons as well.

### **Rethinking What We Mean When We Say There Is a Crisis of Labor Relations: The Issue of Coping and Engagement with a More Diverse and Fragmented Workforce**

We need to be aware of the complex nature of change in labor relations. We need to be sensitive to the ways regulatory spaces (see Mackenzie and Martínez Lucio 2005) are shaped and reshaped: how they are contested and engaged with. There are multiple challenges to organized labor, but you could argue they are also challenges to the question of social responsibility and social organisation and even management generally. So the challenge that is re-emerging is that we need to think closely as to this narrative of relevance in relation to trade unions because the crisis is not one of *relevance* since in many respects unions are more required and relevant than ever before given the changes at work and in employment. Furthermore, I would argue that the challenge to organized labor is not one of irrelevance but of coping with complex changes and an intense array of new workplace and work related politics and issues – in fact one could argue that this is the case regarding human resource management as well.

The issue is that the needs and demands of workers in an uncertain and precarious age are getting even more uncertain. In a seminal piece on trade union revitalization Wever (1998) argued that trade unions respond to change by organizing new members through coordinating multiple social interests in the face of the failures of capitalism. In effect trade unions can address the diverse needs of workers and the role of public goods by field enlarging their role: ‘Union power has long been built on an encompassing understanding of the needs of workers in capitalist society, joining solutions to social welfare problems with solutions to public goods problems and/or market failures’ (Wever 1998, p. 403).

Furthermore, and more specifically, in research across a range of projects Munduate et al. (2012) argued that we need to understand how worker representatives have to be understood across a range of practices and arenas within their work. They point to a range of challenges and tasks as follows which now constitute the complex realities of workplace representatives.

As presented in Table 2.3, what we see if we look closely at the list below is that the trade union and worker representative has *multiple and even competing* forms of *relevance* which require a range of resources and supports. The world of work has

**Table 2.3** Challenges and tasks of the new worker representative

Flexibility and work: the challenge of engaging with diverse worker roles;
Employability: the challenge of learning and personal development of workers;
Social dialogue and trust building: the challenge of trust building within the organisation;
Corporate social responsibility: the development of broader union roles in social terms;
Mediation of conflict at work: the importance of representing individual cases and mediating individual and collective conflicts;
Competences and abilities of trade unionists: the question of development for representatives themselves;
Membership and attracting people to union roles: the marketing and recruitment function of the trade union;
Enhancing union influence: building profiles and image to sustain influence;
Pressures on trade unionists and workplace representatives and at work generally: dealing with the challenge of trade union roles in terms of work–life balance and others.
(Munduate et al. 2012)
<b>In addition one could add:</b>
Equality and new workplace issues agenda: awareness of diversity in the workforce;
Increasing legal regulation, law and the individual: the increasing regulation of employment in individual terms.

become more fragmented and more complex, not less complex. The question of representation requires highly specialised knowledge and detailed intervention – in many cases this is highly individualised. There are a multiplicity of issues and an evolution of a complex workforce and context. Much responsibility is falling on trade unions and trade unionists to pick up the pieces and especially those related to the crisis of management and other work issues, as well as the crisis of the state and enforcement.

The challenge – therefore – is to develop a broader vision of regulation and social rights, including social partner responsibilities. The need to support representation requires partnering or joint action with other bodies (the state and/or employer and/or civil society) in a deeper and more sustained manner based around an alternative democratic narrative of representation and diversity – one which the state and employers respond to in very uneven ways. The question is to how you partner and with whom – as no social or economic actor can achieve objectives purely in terms of their own structures. Levesque and Murray (2010) argue that when we think of trade union power we must think in terms of questions such as internal solidarity, network embeddedness, the narratives that frame their action and resources/capabilities. It is clear the challenges are emerging across all these dimensions to some extent but the latter point is especially relevant for this chapter as in the face of extensive change and fragmentation trade unions find that they are left with less resources (human and other) for coping with the challenge of representation and subsequent mediation. Thus the support of worker representation is a major feature of not just ‘union power’ but the ‘representation of workers’ and the enactment of duties and rights within the firm. Building trust requires independent and autonomous representative mechanisms which can ensure that the new demands of the workforce and the working environment are met in socially oriented terms.

## Conclusion

So we need to rethink what it is we mean when there is a crisis of labor representation: the world of work is multiplying in terms of issues and we need to think of capacity, politics, regulation and the general social and political effort that is now required to create genuine support and meaningful interventions at work. A crisis is not about decline per se, it is also about being able to *cope* in the face of ever complex demands. This is a crisis of coping and representation for all the social actors and agents committed to social dialogue and democratic engagement (even perhaps to the 'social' aspects of management itself), no matter how we define social dialogue in general. In the end, the question of fairness and regulation and dignity needs voice and that in turn needs trade unions, so this is an important issue. David Guest in this volume (Chap. 8) talks of a move from the classic industrial relations contract to the new psychological contract based on broader and more individualised relations and discussions between the employing organisation and the worker. However, this shift – which may not be that systematic anyway – requires agents and structures to negotiate and sustain these relations and their 'agreements'. In that sense the older industrial relations structures may have much to say and contribute as guardians of such psychological contracts.

Trade unions remain highly significant actors within democratic societies of one form or another. Their role can be ambivalent as they couple corporate and social interests in various ways. The changes we have seen in the European Union especially since the 1970s have not eliminated trade unions as in many cases they remain valid and even capable of administering political and economic influence. What I have argued is that we need to understand the complex and diverse challenges to regulation. We also need to understand the way trade unions have responded to these, even if the current context has seen the very system of regulation and rights challenged in some cases. However, the challenge I bring out is that we need to look at the crisis or changes as being linked to the *multiplicity of roles and the diversity of workers and needs* that have emerged alongside a more hostile political climate. In a more fragmented context organisation is always a challenge, but if these fragments and diverse spaces are to sustain a semblance of civilised and social conduct then representation and democratic engagement is a fundamental prerequisite. Trade unions are essential to these prerequisites if we are to sustain a social perspective and in fact even try to deepen it with the spheres of work and employment. In that sense the generation of trust and dialogue is a matter for the state and all actors to consider. Without the preconditions of support through legal rights of a collective and individual nature – plus the role of the public sphere in developing a framework of learning and support – then the space of the firm which is fairly limited in its democratic inclinations anyway tends to further reduce the scope for the enactment of worker rights.

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