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# Following the 'organising model' of British unions?

## Organising non-standard workers in Germany and the Netherlands

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Kurt Vandaele and Janine Leschke

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**Working Paper 2010.02**

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## **Abstract\***

Over the last three decades trade unions in almost all European countries have been losing members. In particular non-standard workers (part-time employed, temporary employed and own-account self-employed) are currently less likely than those on standard contracts to be organised in unions. The paper, which is based on a literature review, has a twofold purpose. A first objective is to provide a survey of the initiatives developed by trade unions in Germany, the Netherlands and the UK for organising non-standard workers. A second objective is to assess whether, and to what extent, the Dutch and German unions are influenced by British union practices for recruiting new members and among them non-standard workers.

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## 1. Introduction

Almost all trade unions in the post-industrialised states have been steadily losing members since the 1980s (Visser 2009).<sup>1</sup> Researchers investigating the long-term and substantial decline in unionisation, and the persisting divergence in union density between economic sectors and countries, have stressed a diverse set of cyclical, structural and institutional variables (Schnabel 2003). For this paper, the structural approach, which emphasises labour market change, is of particular importance. It is estimated that in the period 1970-92 about 40 percent of the observed decline in unionisation in western European countries<sup>2</sup> is attributable to the structural shift from manufacturing to service employment in the private sector and by the privatisation of certain services within the public sector (Ebbinghaus and Visser 1998). However, compositional changes in the workforce represent only a partial contribution to understanding union decline (cf. Blanchflower and Bryson 2008; Schnabel and Wagner 2007; Fitzenberger *et al.* 2006; Machin 2004: 432-435). The arithmetical logic of inter-industrial change does not on its own indicate why unions cannot increase their membership in other areas of employment. Accordingly, intra-industrial changes must also be taken into account. The employment shift from the bastions of union membership to emerging sectors, where employment is growing and workers have traditionally been less inclined to unionise, is interrelated also with other changes in the features of employment (Dølvik and Waddington 2004: 16-19). Thus the private service sector is often characterised by employment at small dispersed workplaces and in firms that, in many cases, have been only recently set up; by new patterns of corporate governance and work organisation; and by various forms of non-standard employment. This paper focuses on this last characteristic because workers with non-standard contracts are currently less likely than those on standard contracts to be organised in unions. The purpose of this paper is to map and to assess the initiatives developed by trade unions for organising these non-standard workers.

Though there exist quite a range of flexible employment arrangements, this paper looks primarily at the three main types of non-standard employment that relate to the form of contract: part-time work, temporary employment and own-account self-employment.<sup>3</sup> Forms of non-standard employment are

1. Even countries where trade unions are involved, to varying degrees, in the administration of unemployment benefits, according to the so-called 'Ghent system', have recently seen a decline in union density (Lind 2009). Although union density still stands at a high level, the close relationship between the voluntary unemployment systems and the unions has been gradually weakened in Denmark, Finland and Sweden which largely explains the drop in union membership, particularly among young employees. Given the erosion of the Ghent system in those Nordic countries it is not clear whether the current economic crisis, causing a sharp rise in unemployment, will have a positive effect upon (re)unionisation. Together with Malta and Norway, Belgium, which could be considered a quasi 'Ghent country', seems to be one of the few exceptions to the general fall in union density.
2. These countries include Austria, Belgium, Denmark, Finland, France, Great Britain, Ireland, Italy, The Netherlands, Norway, Sweden, Switzerland and West Germany.
3. For practical reasons we do not distinguish between workers on fixed-term contracts and temporary workers supplied by employment agencies (on temporary agency work in general see Vanselow and Weinkopf 2009; on temporary agency work and among others codetermination see Holst *et al.* 2009). Nor do we specifically focus on seasonal and informal employment. The term 'own account self-employment' is used to refer to self-employed workers without employees.

often exercised non-voluntarily and their incidence is especially high among specific labour market groups, namely women, young workers, low-skilled and migrant workers. Furthermore, they entail a number of risks such as unstable income, lower job security, inadequate social security coverage, as well as reduced access to further training and lifelong learning measures (cf. Brehmer and Seifert 2007; Eurofound 2003; European Commission 2003; Leschke 2008). Tackling some of these risks may well prove a worthwhile strategy for trade unions if they want to attract this group of workers into membership. Given the likelihood that non-standard employment will remain important and is likely to increase still further<sup>4</sup>, it is argued that the future of the trade union movement will depend, to a certain extent, on the ability of unions to organise these workers. Otherwise unions will risk shrinking into a narrow interest group of workers in manufacturing and certain public services, a development that would further jeopardise their power in the workplace and influence in society.

This paper focuses on two ‘society-oriented’ trade union movements (Germany and the Netherlands) and one ‘market-oriented’ trade union movement (United Kingdom) (Hyman 2001). In fact, all three countries dealt with here have experienced strong increases in non-standard employment arrangements over the last decades. The paper is primarily based on a review of international literature, special attention being paid to case studies of trade union recruitment strategies in companies or sectors where non-standard employment is high or on the increase.<sup>5</sup> The opportunities, constraints, objectives and outcomes of the recruitment efforts of British unions have been the subject of numerous studies. Luckily, there is also a burgeoning literature examining the recent recruitment campaigns conducted by unions in Germany (cf. Behrens 2009: 275). Academic studies on the initiatives taken by unions in other countries, including the Netherlands, to recruit members, let alone comparative studies, are, however, less widespread (Rehder 2008; Carter *et al.* 2003). We will, nevertheless, seek to give an overview of some recent national union responses to the organisation of non-standard workers in the Netherlands and try to assess whether, and to what extent, the Dutch and German unions are influenced by British union practices for recruiting new members and among them non-standard workers.

This ETUI working paper is organised as follows. The next section provides background information on the development of non-standard employment and the different regulations within the countries under consideration here, indicating also the European dimension of those regulations. Section three focuses on the impact of non-standard employment on the level and composition of union membership. The fourth section reviews the explanations for the under-representation of non-standard workers within the trade union movement and points out the recruitment potential. Sections five and six briefly

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4. This is particularly true of part-time work which is expected to grow further in line with increasing employment rates of women against the backdrop of still insufficient child-care coverage and unequal participation of men and women in household and care tasks.

5. Since this paper is merely exploratory in character, we have not conducted interviews with trade union leaders; nor have we made an extensive study of trade union policy documents.

shed light on, first, the so-called 'organising model' as a possibility for recruiting and organising new groups of workers and, secondly, its use in the UK. The following two sections explore and discuss the various organising strategies for non-standard workers adopted by the trade unions in Germany and the Netherlands. Section nine contains an assessment of the prevailing recruitment strategies and the organisation of non-standard workers. Section ten concludes.

## **2. Non-standard forms of employment: incidence and development**

Non-standard forms of employment have been growing in importance in member states of the European Union (EU) over the last decades and have received active support from the European employment strategy and national governments in the context of efforts to reduce unemployment and raise employment levels. Non-standard forms of employment have indeed represented a major contribution to the employment expansion that has taken place in Europe over the last few years (European Commission 2006: 24).<sup>6</sup> Both Germany and the Netherlands have seen strong growth in part-time employment, temporary employment and own-account self-employment (self-employment without employees), whereas developments in the UK, especially in regard to temporary employment, have been less pronounced.<sup>7</sup> These forms of employment are often exercised non-voluntarily and they are especially problematic when they are combined or persistent, or both. With the aim of improving the quality of employment of non-standard workers, the central EU-level 'social partners'<sup>8</sup> have negotiated framework agreements on part-time and fixed-term work and these have been transposed into European Directives. Insofar as they are heavily built on compromise, however, they set down only minimum requirements.

### **2.1. Part-time employment**

All three countries concerned exhibit part-time employment shares well above the EU-15 level; in fact these are the countries with the highest part-time employment rates in Europe. In 2008 in Germany and the UK about one quarter of total employment is exercised as part-time work, while the share in the Netherlands is exceptionally high at about 47 percent (figure 1). This very high share of part-time workers in the Netherlands is attributable to a range of factors. First of all, as early as the 1980s, the Dutch 'social partners' agreed on reductions of working hours as an instrument to redistribute employment and

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6. With the economic crisis, on the European average, the share of temporary workers has decreased markedly since workers on fixed-term contracts and temporary agency workers were among the first to lose their jobs. In the UK, the Netherlands and Germany, however, any such impacts were small or negligible. Part-time employment is on average further growing during the crises.

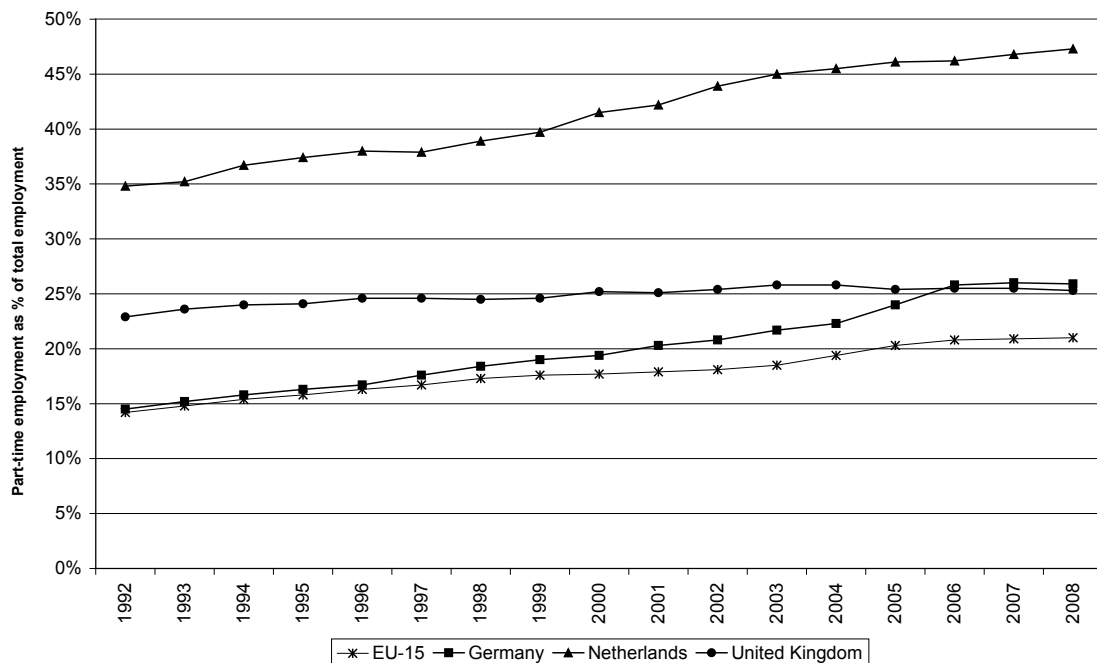
7. For definitions applying to figures 1-4 see European Commission (2007a: 49-53).

8. The following major EU-level social partners negotiated the framework agreements: The European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE) (now BusinessEurope) and the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP).



increase the flexibility of labour and it was at this very same time that Dutch women started to enter the labour market in large numbers (Visser 2003: 141-143 and 154-157; Blázquez Cuesta and Ramos Martín 2007). Furthermore, in contrast to many other countries, the Dutch social security system does not, for the most part, discriminate against part-time workers but applies pro rata insurance contributions in exchange for pro rata entitlements. Access to the basic pension system is based on residence and unrelated to earnings, while the hours limits for entry to occupational pension funds were abolished as early as 1990 (Visser 2002a: 33).<sup>9</sup>

Figure 1 Development of part-time employment, 1992-2008 (yearly averages)



Source: Eurostat 2008 (adjusted series).  
Note: 15-64 years.

As is well known, part-time employment is, for the most part, carried out by women, frequently to enable them to combine occupational activity and care and household tasks in a situation where non-wage work is distributed unequally between men and women (Leschke and Jepsen 2009) and affordable quality childcare provision, especially for very young children, is inadequate (cf. OECD 2008). In fact, in all three countries increasing employment rates of women have been accompanied by growing part-time employment.

9. It is worth mentioning that in the Netherlands (and also Iceland and Norway) the distinction between full-time and part-time work in the European labour force survey is not based on a spontaneous response by the respondent, as is the case in all the other countries, but work is held to be part-time if the usual hours are fewer than 35 hours and full-time if the usual hours are 35 hours or more. This may contribute, at least in part, to the excessively high shares in the Netherlands.

More than 40 percent of British and German women in employment, and as many as three quarters of Dutch women in employment, work part-time (figure 4, annex). Part-time employment among men is still a rare phenomenon; in the large majority of European countries fewer than 10 percent of men in employment have a part-time job. The shares in the UK and Germany are around 10 percent. In the Netherlands they are exceptionally high, at almost 24 percent, but, according to Visser (2002a), male part-time workers in this country are much more often young and students than are female part-time workers. Similarly, in Germany male part-time workers are predominantly either very young and in education or, alternatively, close to retirement age (Hege 2005). These trends are confirmed by the European labour force survey data. Asked for their main reason for working part-time, the majority of women in all three countries stated that they are caring for children or incapacitated adults or that they have other family or personal responsibilities. Among men education and training and the failure to find a full-time job are much more frequently cited reasons (Eurostat 2008).

Not least as a result of the EU Directive on part-time work (Council Directive 97/81/EC), regular part-time employment has, during the last decades, been placed on a par with full-time employment in all EU countries. Employers are, for example, required to offer part-time workers benefits such as pay, holidays and occupational pensions that are at least equivalent, based on the proportion of hours worked, to those of a comparable full-time worker (*ibid*). A problem is that all questions relating to the social protection of part-time workers are left to the Member States and that the EU Directive allows exclusion of certain categories of part-time workers from this agreement (clause 2.2). Therefore, in many countries, equal treatment does not apply to so-called 'marginal workers' who are usually defined by means of an hours or earnings threshold. In contrast to the Netherlands, where labour legislation and social security contributions and benefits apply to all part-time workers irrespective of hours, in both Germany and the UK workers with low earnings are excluded from some benefits.<sup>10</sup> Marginal workers, in particular, should thus be of special concern to trade unions.

At the beginning of this decade, in both the Netherlands and Germany, a statutory right to request a reduction of working hours was implemented – the request can be refused solely on business grounds, but very small businesses are excluded (cf. Visser 2002a; O'Reilly and Bothfeld 2003). Importantly, in the Dutch case there is also a right to request increased working hours, while in Germany part-time workers wishing to lengthen their working hours must be given preference if a full-time job becomes available in their workplace. In the UK parents of young or disabled children are also entitled to request a different working pattern but the basis for application is much weaker than in the Netherlands and in Germany (Kilpatrick and Freedland 2004: 337–342).

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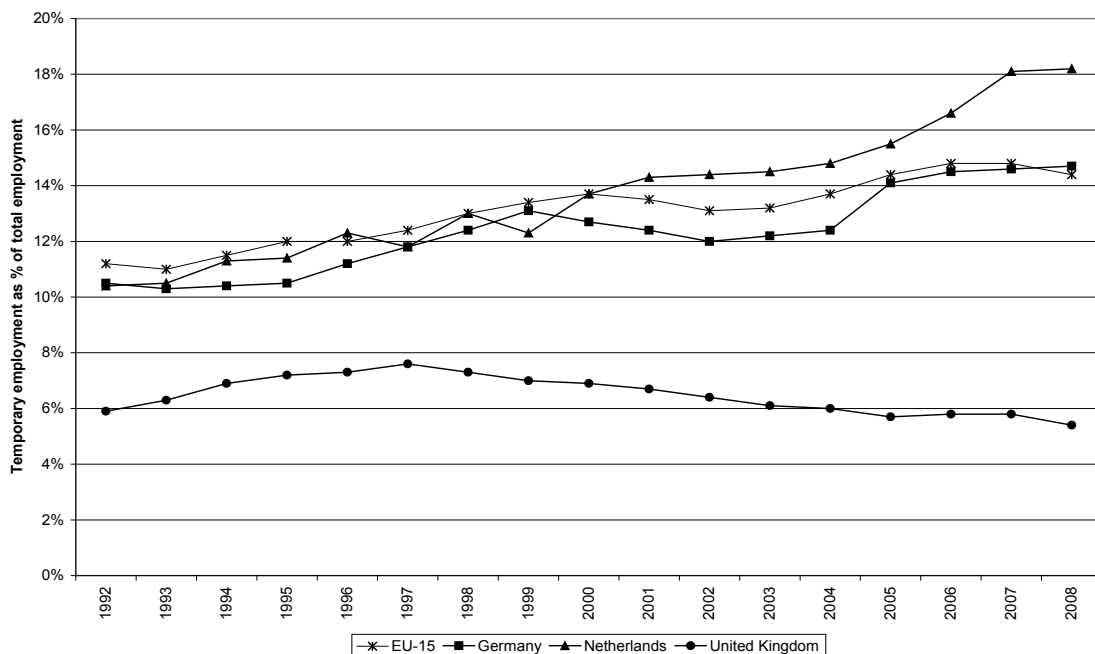
**10.** In Germany the limit is 400 Euros a month (Rudolph 2003). Formerly, an hours threshold of 15 working hours per week was in place. In the UK it is £90 (about €114) a week in 2008/2009, which is equivalent to over 16 hours per week at the national minimum wage (the rate being £ 5.52 at 1st October 2007) (HM Revenue & Customs 2008).

## 2.2. Temporary employment

Temporary employment has been growing considerably since the 1990s in both Germany and the Netherlands (figure 2). In 2008, the temporary employment share in Germany was almost 15 percent, slightly above the EU-15 average.

In the Netherlands the temporary employment share reached a high of 18.2 percent in 2008. In the UK, on the other hand, temporary employment has been decreasing since the late 1990s and the share is currently as low as 5.4 percent. In most countries, the incidence of temporary employment is more pronounced among young workers and among women. While in Germany there are hardly any gender differences in the temporary employment shares, in the Netherlands and the UK women are somewhat more likely than men to be temporarily employed (figure 4, annex). According to the most recent European labour force survey data about 50 percent of temporarily employed British and German workers were in this form of employment because they could not find a permanent job, while among Dutch workers the equivalent figure was around 40 percent. The share of temporary workers that were voluntarily exercising this form of work and did not want a permanent job was highest in the UK, at about 35 percent, while it was as low as 5 and 10 percent in Germany and the Netherlands respectively (Eurostat 2008).

Figure 2 Development of temporary employment, 1992-2008 (yearly averages)



Source: LFS, 2008 (adjusted series).  
Note: 15-64 years.

The country differences, and also the developments in terms of temporary employment, can be explained, at least in part, by the strictness of employment protection legislation (EPL) for regular contracts and the strictness of regula-

tion for temporary contracts. For comparative purposes the EPL indicator developed by the OECD is commonly used, despite objections by critics who refer to the indicator's subjectivity, failure to incorporate enforcement practices and insufficient incorporation of practices beyond legislation contributing to employment protection legislation (Addison and Teixeira 2003). However, the OECD has responded to some of these critics and in its latest revision has, for example, incorporated collective bargaining provisions in a more coherent way (Venn 2009: 15-19). According to the OECD EPL<sup>11</sup> indicator, in 2008 individual employment protection legislation for regular (permanent) jobs was somewhat stricter in Germany than in the Netherlands, while it was much laxer in the UK. For temporary contracts the regulation was strictest in Germany, followed by the Netherlands and again with very lax regulation the UK.

The EU Directive on fixed-term work (1999/70/EC) establishes the principle of non-discrimination but again allows for a number of exceptions and essentially sets no more than a framework of minimum requirements. Temporary employment is more frequently followed by periods of unemployment or inactivity than is permanent employment (European Commission 2003), while, due to the short-term nature of the employment relationship, employers may be less inclined to invest in the skills and careers of the workers concerned (cf. Brehmer and Seifert 2007). In this regard the Dutch "flexibility-security" bill, which came into force in January 1999 as a result of an agreement between the 'social partners' under the umbrella of the Labour Foundation (*Stichting van de Arbeid*), is noteworthy. It introduced more flexibility into the Dutch labour market by, among other things, abolishing the permit system for temporary work agencies and shortening notice periods for dismissal of regular workers while at the same time strengthening and securing the position of atypical workers (especially temporary workers) in several respects (for more information see e.g. Wilthagen and Tros 2004). However, on the basis of her in-depth study of flexicurity in temporary work in the Netherlands, Houwing (2010) concludes that, if one moves from the level of national law to that of collective bargaining, the goal of balancing increased flexibility with security has been achieved to a partial extent only, a failure which she attributes to, among other things, the power deficit suffered by the Dutch trade unions.

### 2.3. Own account-workers

Like many other European countries, during the last two decades all three countries under discussion here have seen increasing shares of own-account workers, not least due to sectoral shifts towards services employment and specific labour market programmes that created incentives for the unemployed

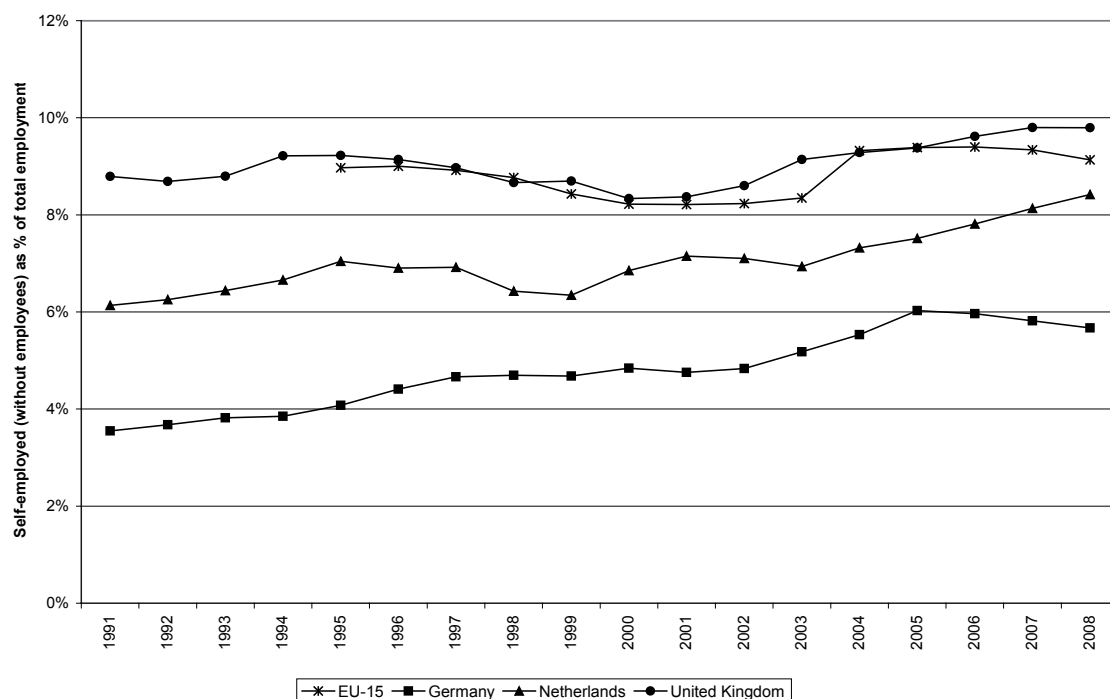
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11. The OECD has developed indicators for the strictness of employment protection legislation, which are regularly updated. There are 18 basic items that make up three main areas: EPL for permanent workers, requirements for collective dismissal and EPL for temporary workers, both fixed-term and temporary agency workers. For information on these items and the full country ranking refer to OECD (1999, 2004) and Venn (2009).

to start up their own business (Schulze Buschoff and Schmidt 2005). In the country comparison, Germany has the lowest share of own-account workers (self-employed without employees), with 5.7 percent, followed by the Netherlands with 8.4 percent; the UK level of 9.8 percent is slightly above the EU average (figure 3). Own-account work has risen particularly in the Netherlands: while employment decreased by 186,000 or 3.4% in all firms, own-account self-employment (called '*Zelfstandigen Zonder Personeel* (ZZP)', i.e. small companies without personnel or freelance workers) increased by 61,000 in the period 2001-05 (Konen 2007). In the period 1996-2008 own-account self-employment rose by 67 per cent; the growth is especially pronounced in the construction sector and services (Kösters 2009).

The freedom of services principle – which allows companies to offer their services in other EU countries and was often used to circumvent transitional arrangements after the 2004 and 2007 enlargement rounds – may have contributed to rising self-employment in a number of EU countries and particularly those that applied transitional arrangements (Galgóczy *et al.* 2009; Blanpain 2006). Self-employment (with or without employees) is in general more widespread among men than women – the difference being largest in the UK where the share of male own-account workers is as large as 13 percent (figure 4, annex). In practice, it is often difficult to distinguish between regular own-account workers and those own-account workers who are in fact dependent on a single employer (bogus self-employment) (for more information refer to Schulze Buschoff and Schmidt 2007).

Figure 3 Development of own-account self-employment, 1992-2008



Source: LFS, 2008  
Note: 15-64 years

Own-account self-employment, even more than other forms of non-standard employment, carries the risk of unsteady income and inadequate social insurance coverage during working life and in old age. Generally speaking, employees in all countries enjoy better protection than the self-employed but there are, nonetheless, large country differences with regard to the protection of the self-employed, including own-account workers (cf. European Commission 2007b). Schulze Buschoff and Schmidt (2006) show that the German social security system (and especially pension insurance) is the most exclusive, whereas coverage is somewhat better in the Netherlands and the UK which have residence-based health care systems and either a residence-based statutory basic pension (UK) or a state pension system with relatively low contribution rates (Netherlands). Even so, in the latter two countries also, the self-employed (and own-account workers) incur disadvantage in that they are, for example, excluded from unemployment insurance and occupational pensions (Netherlands) or income-based statutory supplementary pension insurance (UK).

According to the Entrepreneurship Survey (European Commission 2007c: 43-45), there are large variations between European countries in terms of the desirability of becoming self-employed, with respondents in the New Member States and Southern European countries finding self-employment to be much more desirable than their continental and Northern European counterparts. In our three-country comparison, the UK fares somewhat better, with 29 percent of respondents finding it desirable in 2007 to become self-employed (with increases compared to 2004), while in the Netherlands and Germany respectively only 21 and 19 percent of respondents find it desirable (with decreases compared to 2004), indicating only slight differences in entrepreneurial spirit or culture. In relation to the question of whether people are setting up, or have set up, their own business because they saw an opportunity or out of necessity, the Netherlands fare best with only 12 percent necessity set-ups in 2007 and 73 percent of opportunity set-ups (ibid: 72-73). The UK ratio was 27 percent to 64 percent, while in Germany it was 26 percent to 59 percent – notably with large decreases in necessity start-ups compared to 2004.<sup>12</sup>

### **3. Unionisation level of non-standard workers: low but rather stable**

Tables 1 and 2 demonstrate that those working full-time or on open-ended employment contracts still constitute the backbone of union members but that their membership has significantly decreased. In general, non-standard workers have an overall negative effect on union membership. In most European countries union density among temporary workers, part-timers or own-account workers is lower than among workers in 'traditional' types of employment (Scheele

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12. The gap between total and 100% is accounted for by respondents answering 'both' and 'don't know/no answer'.

2002: 21-22), with the countries where trade unions play a statutory role in the administration of unemployment benefits representing the only exceptions.<sup>13</sup> The data in Table 1 shows that full-timers have, in general, higher density rates than part-timers in all three countries under consideration here. Although the gap between those rates is declining, this is not as a result of any significant increase in part-timers joining the unions. With the exception of western Germany, the proportion of part-timers who are unionised has barely altered since the beginning of the 1990s, while at the same time significant numbers of full-timers are leaving the union, causing overall union density to decline.<sup>14</sup>

Table 1 Union density and type of employment in Germany, the Netherlands and the UK, 1992-2008

	1992	1994	1996	1998	2000	2002	2004	2006	2008
West-Germany*									
Part-time	9%	14%	11%	10%	14%	14%	16%	n.a.	n.a.
Full-time	32%	26%	27%	29%	27%	25%	23%	n.a.	n.a.
Netherlands									
12<20 hours	11%	13%	13%	12%	12%	11%	12%	12%	11%
20<35 hours	23%	24%	24%	24%	24%	23%	23%	22%	20%
>35 hours	30%	31%	31%	30%	28%	27%	27%	26%	24%
UK**									
Part-time	22%	21%	20%	20%	21%	21%	21%	21%	22%
Full-time	40%	38%	35%	33%	32%	32%	32%	31%	30%

Source: West-Germany: Biebler and Lesch (2006); Netherlands: 1992-96: Visser (2000), 1998-2006: CBS (2008); U.K.: 1992-96: Ebbinghaus and Waddington (2000); 1998-2008: Labour Force Survey, see <http://www.berr.gov.uk> [last access: 18/01/2010].

Note: \*Union density data for part-timers in East-Germany is not available; \*\*1992-96: Great Britain; 1998-2008: UK; Employment status is self-defined.

In West Germany in 2004 union density among part-timers was more than two thirds of those working full-time and had slightly increased since 1980 (Biebler and Lesch 2006).<sup>15</sup> In addition, empirical research shows that the probability of never joining a union is higher for part-time workers (among other personal, occupational and workplace characteristics) (Schnabel and Wagner 2005). In the Netherlands, a country known for its large share of part-time workers within the labour force, union density among those working more than half-time (20 to 34 hours) is fairly constant and lagging only slightly behind the density of full-timers today. Union density among part-timers with

<sup>13</sup>. This applies to Belgium, Denmark, Finland and Sweden where unions are more encompassing and differences between non-standard and standard workers are thus less pronounced.

<sup>14</sup>. In the 1990s the reliability of the data for West Germany seem rather doubtful but one can at least detect a rising trend when comparing the 1990s with the data points in the next decade.

<sup>15</sup>. Longitudinal union density data is unavailable for part-timers in Germany. Empirical research based on data from the German Socio-Economic Panel (SOEP) found out that working part-time has a negative effect on union membership in western Germany but a positive, albeit insignificant, impact in eastern Germany (Fitzenberger *et al.* 2006). One can nonetheless assume that fewer part-timers are union members in the East since full-time and overall union density is lower than in western Germany.



low working hours (12-20 hours) is less than half of the union density rate of full-timers though. Although British unions have kept membership among part-timers in line with the rise in part-time jobs, this has not been sufficient to reverse the declining trend in overall union membership. Moreover, in the UK the positive correlation between union membership and full-time work that was present in the 1980s had disappeared by the next decade, while other workplace and job characteristics did not vary much over time (Bryson and Gomez 2005: 83). Expressed in another way, the gap in unionisation between full-time and part-time status of jobs has been narrowed significantly, indicating that being in a full-time job is a less important determinant of union membership than it used to be (Machin 2004: 429-430).

Table 2 Union density and type of employment contract in the Netherlands and the UK, 1992-2008

	1992	1994	1996	1998	2000	2002	2004	2006	2008
Netherlands									
Temporary	11%	11%	11%	10%	10%	9%	11%	9%	9%
Permanent	29%	30%	30%	29%	27%	26%	26%	25%	23%
UK*									
Temporary	23%	21%	20%	19%	19%	19%	17%	17%	17%
Permanent	37%	35%	32%	31%	30%	30%	30%	29%	28%

Source: Netherlands: 1992-96: Visser (2000), 1998-2004: CBS (2008); UK: 1992-96: Ebbinghaus and Waddington (2000); 1998-2008: Labour Force Survey, see <http://www.berr.gov.uk> [last access: 18/01/2010].

Note: \*1992-96: Great Britain; 1998-2008: UK; Employment status is self-defined.

As shown in Table 2, based on data for the Netherlands and the UK, organising temporary workers seems to be even more difficult than organising part-timers.<sup>16</sup> In both countries union density among temporary workers is lower than among those working part-time. While union density of temporary workers in the Netherlands is relatively stable, the trend is more negative in the UK. However, compared to the Netherlands, the gap between temporary and permanent workers is smaller in the UK. Because own-account workers were traditionally not a target group for union recruitment, no comparative data over time on union density of this group is available for Germany or the Netherlands and for the UK the data is unreliable.<sup>17</sup> However, since 2007 the statistical bureau in the Netherlands has been taking own-account workers into account when calculating union density, reflecting the fact that Dutch unions have established separate unions for own-account workers (van Gruchten and Kuijpers 2007: 47).

<sup>16</sup> To our knowledge no comparative data over time is available for Germany.

<sup>17</sup> The FNV, the largest confederation in the Netherlands, numbered 19,984 own-account workers among its ranks in 2004, a number that had risen to 30,007 by 2008.



#### **4. Unions and non-standard workers: a lack of attitudinal interest?**

The obvious question is why union membership would be markedly lower among non-standard workers than among standard workers. One answer would be that the compositional shift in employment is associated with a change in the attitude of workers which makes them less inclined to join a union (Gallagher and Sverke 2005: 195). Workers' attitudes towards trade unions, especially among the young, might have changed due to the growing individualistic orientation, resulting in a lesser appeal of union representation and undermining the basis for collective mobilisation and organisation. It is also claimed that interests within unions are more heterogeneous and segmented today than during the period when standard workers formed the core of union membership. Unions have long tended to recruit and represent mainly male manual workers in manufacturing and public sector workers (James 2006). They displayed a tendency to disregard or oppose several non-standard forms of employment, in particular own-account self-employment, fearing that these forms would undermine prevailing pay and working conditions. Subordinate employment and full-time work on open-ended contract were considered the norm. Hence non-standard workers have 'blamed' the unions for primarily representing the interests of the 'insiders' and not taking their specific interests into account in collective bargaining arrangements, labour regulations or bargaining on social insurance coverage (Ebbinghaus *et al.* 2009; Ebbinghaus 2006). Accordingly, due to the lack of explicit representation within the unions for workers with non-standard employment contracts, conventional wisdom assumes that they are less interested in union membership.

Yet to claim that there is anything out of the ordinary about non-standard workers betrays the lack of a sense of history, insofar as labour market fragmentation and segmentation has been the case at all times ever since the creation and expansion of trade unionism (Hyman 1996). Indeed, non-standard forms of employment are not an entirely new phenomenon but might even 'be more representative of a return to contractual conditions that were common both before and in the early stages of industrialisation' (Gallagher and Sverke 2005: 182). Unions have always had the difficult task of harmonising and reconciling the various interests of different groups of workers as these arise from their diverse positions on the labour market. Today most unions have accepted, albeit to differing degrees, the specific needs of non-standard workers. They have also recognised – though somewhat reluctantly – that non-standard work may in some cases represent not only an employment opportunity but possibly also a stepping-stone into regular employment, especially for younger and female workers. Moreover, recent studies cast serious doubts on claims of attitudinal reluctance among non-standard workers to join unions. For instance, an overwhelming majority of workers in the 'lower services', often associated with non-standard work, perceive a strong need for trade unions to protect their interests, while workers in 'higher service occupations' also hold positive attitudes towards unions (D'Art and Turner 2008: 179). Research on vulnerable but non-unionised workers in the UK reveals also that 'managerial initiatives and government policy to

individualise employment relations have not destroyed the collective nature of labour' (Pollert and Charlwood 2009: 356).

Furthermore, workers' attitudes seem not to explain the different rates of unionisation for standard and non-standard workers (cf. Waddington and Whitson 1997: 536). Survey research on Spain, where the labour market segmentation between temporary and permanent employment is exceptionally strong, shows that the attitudes of temporary workers towards trade unions are even slightly more positive than those of workers with permanent contracts (Fernández Macías 2003: 215). What is more, temporary workers and part-timers in Italy, the Netherlands and Sweden are as willing to remain members as are 'traditional' workers, which indicates that employment status and contract type have no influence on union turnover intention (Goslinga and Sverke 2003). Actual exit-behaviour of non-standard workers, especially of temporary workers, is probably more frequently triggered by a change of job or company or by a change of status (e.g. to unemployment) than by dissatisfaction or negative experiences with the union. In fact, union members' experiences of job insecurity – defined as a subjectively perceived likelihood of involuntary job loss – in Belgium, Italy and the Netherlands seem to be associated with a less favourable attitude towards unions and a higher intention to resign membership, although this is not the case in Sweden (De Witte *et al.* 2008). All in all, the positive attitudes of non-standard workers towards trade unions suggest that there is a substantial unsatisfied demand for union membership and thus potential for membership growth. Finally, it should not be forgotten that some of these workers may have gained experience of collective organisation during previous employment (on a standard contract basis) and are likely to be more predisposed to a collective orientation than others among whom union membership was less commonplace (cf. MacKenzie 2010).

As such, the under-representation of non-standard workers in union membership records probably reflects, in the main, structural constraints or barriers faced by unions in organising these workers. In line with this hypothesis, a recent survey of Spanish temporary workers points out that type of contract does not, on its own, produce a negative effect on union membership (Sánchez 2007). Rather, local union presence and, to a lesser extent, performance, would seem able to overcome the impact of contract type on unionisation. Union availability at individual workplaces means that unions have the possibility of approaching workers directly to propose membership. Union presence may also add to the visibility of the advantages of membership by providing support and services. As the 'social custom' theory predicts, this could enhance or reinforce a social norm of union membership in which workers would incur loss of reputation through non-union membership (Visser 2002b). Since union presence is particularly important for generating and maintaining unionisation as the norm, it is no coincidence that local union availability significantly adds to the perception of a need for strong unions (D'Art and Turner 2008: 183).

The social pressure of peers to comply with the norm of union membership is probably weaker for non-standard workers. They have less stable or less

frequent contact with fellow workers and are more often employed in sectors where there are no or few union members, a situation likely to lessen the reputation losses incurred from non-membership. Moreover, union organising costs are higher for non-standard workers. First of all, they are often more difficult to contact directly than standard workers. Despite the fact that in some economic sectors large firms are dominant, non-standard workers are predominantly scattered through small workplaces, with a high rate of labour turnover, as illustrated by the retail sector in the countries under consideration here (Dribbusch 2003: 59-79). Secondly, non-standard workers are mostly employed in economic sectors where employer resistance to union presence in the workplace is higher or more effective due to type-of-contract segmentation. The fact that union presence in small sites is less likely could explain why the propensity to become a union member is lower among non-standard workers (Waddington and Whitston 1997: 527). Unions thus have to initiate and develop effective strategies for organising workers in small work-places.

## **5. Room for manoeuvre and the 'organising model'**

Since the end of the 1990s there has been a shift in focus in the literature from a rather passive, deterministic view to a more active, voluntaristic vision of trade unions (Frege and Kelly 2003). As 'learning organisations' unions have the ability for 're-empowerment', 'renewal' or 'revitalisation' by developing innovative, new strategies (or by rediscovering old ones) (Hyman 2007). Consequently, with regard to union membership, as one of the dimensions of revitalisation, attention is no longer exclusively focused on explaining patterns in unionisation but also on issues internal to unionism and how unions might actively 'organise the unorganised'. Union structures and identities, employer and state strategies and industrial relations institutions are considered the main explanatory variables for explaining national differences in recruitment efforts and organising. The literature, reflecting an old debate within the trade union movement, distinguishes between two simplified – and sometimes understood as manichistic – models with regard to the depth of organising: the 'servicing model' vs. the 'organising model' (Dølvik and Waddington 2004: 22-24).

Due to conceptual problems, these models have been neither theoretically grounded nor empirically falsified (Frege 2000: 276). Instead, they tend to be based on union practice and to serve as Ideal-types. Nevertheless both types can be associated and partially theoretically underpinned with, on the one hand, the Olsonian rational-choice approach and its notion of 'selective benefits' (Olson 1965) and, on the other hand, the 'mobilisation theory' as advocated by, for instance, Kelly (1998). The 'servicing model' is based on a rather passive form of union membership that makes members dependent on full-time union officials. Through provision of services and support like training, career development and job search, the 'servicing model' depends primarily on union activity (and its bureaucracy) designed to help members and carried out by full-time officials external to the workplace. Yet services, and particularly those that are more efficiently provided on the private market or by the state, might not, from an Olsonian perspective, be very helpful in

attracting new members. This applies especially to individually oriented client-based services like financial services (e.g. credit cards) (Waddington and Whitston 1997: 521).

As a reaction against the 'servicing model', the 'organising model', the second approach, originated in the USA and Australia (for a critical account, see Daniels 2009: 270-272; Hurd 2006; de Turberville 2004). The (well-known) 'Justice for Janitors' campaign in Los Angeles, a campaign targeted at low-wage service sector workers very often working in forms of non-standard employment and conducted by the American Service Employees International Union, has been particularly influential for the awareness of the 'organising model' among unions in the USA (Woodruff 2007; Erickson *et al.* 2004; Waldinger *et al.* 1998). The 'organising model' advocates a shift away from providing services to existing members to the recruitment, participation and empowerment of new members (Bronfenbrenner *et al.* 1998). The model has adopted several approaches and tactics towards recruitment campaigns and encouragement of union activity among members (see Waddington and Kerr 2009: 28 for examples and references). Over the years the 'organising model' has become rather diluted: it 'has transmuted into a broad hook on which to hang many ideas and practices' (Gall 2009b: 5). Nevertheless it is increasingly claimed that trade unions on the European continent could perhaps learn some lessons from the Anglo-Saxon unions' crisis-driven innovations on membership recruitment, especially from its emphasis on grassroots mobilisation (Turner 2007). Therefore, although different variants of the 'organising model' exist in practice, it might be worthwhile to investigate whether the model is gaining influence in a non-Anglo-Saxon and different institutional context. The next section briefly analyses the 'organising model' in the UK and the two next sections explore, mostly based on case-studies of various recruitment campaigns, whether an 'organising culture' is emerging and developing for the recruitment of non-standard workers in Germany and the Netherlands.

## **6. UK: a modest success or a disappointing result?**

Unions in the UK have seen a drastic fall in membership and union density since the sharp rise in unemployment in 1979 and the Conservative election victory that same year (Fernie 2005). From the mid-1990s onwards the 'organising model' has inspired British unions as a means of reversing membership decline and encouraging the involvement and participation in union affairs of members from hitherto under-represented groups of workers (Heery *et al.* 2004). The particular level and form of organising in the UK may be explained by several features of the institutions comprising its industrial relations system (Heery and Adler 2004: 57-63). For instance, the decentralisation of collective bargaining with its low bargaining coverage provides an incentive to expand union membership rather than focus on consolidation. The fact that unions have to demonstrate that they have the majority support of the workers before becoming recognised as a bargaining agent, and the single-channel system of worker representation which relies on union recognition, further explain why

British unions have given priority to a form of organisation characterised by assertive campaigns and the encouragement of member activism.

As demonstrated by the 'Organising Academy' for training specialist organisers, set up in 1998, the Trades Union Congress has augmented the level and scope of organising (while unions are simultaneously supporting social partnership with the employers, especially at the workplace level). British unions have also withdrawn from their earlier opposition to various non-standard employment arrangements. Their formal union policy on forms of non-standard workers has been shifted from exclusion and subordination to inclusion and engagement (Heery *et al.* 2004; Heery and Conley 2007). In line with this shift in the formal union policy and the influence of the 'organising model', some of the British unions have for instance targeted agency workers in recruitment campaigns (Heery 2004). Other unions have attempted to recruit fixed-term and own-account workers in the education sector or freelancers in the media and entertainment industries (see Heery 2009 for references; Pernicka 2009: 471-473). In this way, British unions have increasingly developed formal organising policies for recruiting workers with a weaker union tradition, including non-standard workers.

Although British unions have taken up some of the US organising practices, neither their influence nor the extent of the recruitment campaigns targeted at non-standard workers should be exaggerated. The 'organising model' is unevenly applied amongst unions in the UK; its use is often partial or ad hoc and the model exists alongside other approaches to recruitment and organising (Gall 2003). The bulk of union organising in the UK is oriented towards consolidation or in-fill recruitment, i.e. recruiting workers in the same occupations as existing members and in workplaces where unions are already recognised by the employer, and participative unionism is even further away (Daniels 2009: 266-269). Furthermore, organising with employer support through partnership and similar but less formal arrangements continue to be significant in much of the unionised segment of the UK economy (Daniels 2009: 255-256; Gregory 2004).<sup>18</sup> Employer-dependent organising has also been used for agency workers, most notably in the sweetheart deals unions have signed with Manpower, Adecco and other employment agencies for the purpose of improving the terms and conditions of temporary work agency employment (Heery 2005, 2004: 442-444).

Given the different recruitment strategies based on either the organising approach or the social partnership approach, it is difficult to measure the net effect of the 'organising model' on the aggregate level (cf. Daniels 2009: 274-275). Union membership is no longer declining and seems to have stabilised but membership gains have not kept pace with employment increases. Union density has continued to fall despite Labour's election in 1997, the enactment of the union recognition provisions of the Employment Relations Act 1999, the positive effects of the social dimension of the EU (in the case of the UK), the benign economic environment of recent years (until the global financial

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<sup>18</sup> In 2001 the TUC launched the Partnership Institute.

crisis and economic downturn) and the increased resources devoted to recruitment since the mid-1990s. While union density stood at 30.7 percent in 1997, eleven years later it had fallen to 27.4 per cent.<sup>19</sup> To conclude, in spite of modest union membership growth in absolute terms in the UK, the relatively more favourable conditions for union recovery have generated no increase in union density but rather merely a slowdown. This rather disappointing result may possibly be attributable to the fact that the unions in the UK have so far failed to achieve in the political arena the effectiveness required to make up for their relative lack of bargaining power (Kelly 2005). The modest success of the 'organising model', at least in terms of aggregate statistics, has also recently provoked research on the 'internal barriers' to the implementation of the model (e.g. Gall 2009a; Waddington and Kerr 2009; Heery and Simms 2008). Thus a successful implementation of the 'organising model' might be thwarted by an inadequate or excessively limited shift in resources, a hesitant or less-supportive union leadership or union bureaucracy, insufficient involvement (or participation) of union representatives or union members, a lack of clarity in terms of the unions' self-identity, broader union politics and purposes, etc. Briefly, not only do trade unions operate in an often 'hostile environment' but their policy and strategy is obviously also influenced by vested interests, internal discussion and conflict.

## **7. Germany: unions still relying on institutional security?**

In contrast to most other European countries, union density in Germany remained fairly stable throughout the 1980s. The German reunification in 1991 had a strong positive impact on union membership and unionisation. At that time one in every three workers was a union member and yet, soon afterwards, unions in the western and more particularly the eastern states began to experience a steady decline in membership that resulted in a union density of around 20 percent, one of the lowest rates among the coordinated market economies (Visser 2007: 98-103). Until recently, despite this rapid and substantial decline in union membership and the associated phenomenon of an ageing membership, there was little debate about organising (non-standard) workers in the most important labour organisation, the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund, DGB). The reason for this was that, for a long time, German unions affiliated to the DGB were able to rely on a monopoly position and strong institutional embeddedness within the industrial relations system, ideologically grounded in the concept of Sozialpartnerschaft, features which, taken together, engendered little sense of urgency among unions (Dribbusch and Schulten 2007; Behrens *et al.* 2003). In particular, the institutional representation in collective bargaining (combined with occasional conflict) and the independent but union-dominated works council system has diminished competition between unions in the securing of interest representation at the workplace.

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19. Source: <http://www.berr.gov.uk> [last access: 18/01/2010]



Yet recent increased union competition has challenged the DGB monopoly and the principle of industrial unionism according to which one union represents a single sector (Hoffmann and Schmidt 2009; Hassel 2007: 187-190).<sup>20</sup> Moreover, unions' organisational security has been undermined by the decentralisation of collective bargaining and the erosion of bargaining coverage (Schnabel 2005). On the one hand, the declining bargaining coverage is the result of the spread of opening clauses in collective agreements at company level, allowing for companies to be exempted from the conditions of higher-level collective agreements.<sup>21</sup>

On the other hand, the continuing decline of workplaces with works councils has also caused a drop in bargaining coverage.<sup>22</sup> The rising trend towards works-council-free firms, in particular in the private service sector and among small and medium-sized enterprises, has contributed to a weaker workplace presence of unions since there exist close institutional links between works councils and unions (Jacobi 2003). Accordingly, insofar as works councils (still) act as a tool for recruiting union members in Germany, especially in the larger firms, the reproductive function of works councils for union membership is hampered by this trend (Behrens 2009). However, at the same time this deterioration of unions' institutional entrenchment has provided unions with incentives to adjust to the structural shifts in employment by setting up various local and regional recruitment initiatives or supporting campaigns based on grass-roots mobilisation.

Thus, whereas, until the late 1990s, the German unions opposed several forms of non-standard employment, today they have changed their policy towards non-standard workers. However, while the recruitment of non-standard workers is now recognised as a prerequisite for strengthening their associational power, it is rather unclear whether the specific interests of these workers are adequately represented by the German unions (Holst *et al.* 2008). Even so, the industrial union IG Metall has endeavoured to establish works councils in the temporary agency sector and to regulate agency work through collective agreements (Wölflé 2008). Other recent IG Metall initiatives tend rather to resemble the US-style 'organising model' through the establishment of local 'workers' circles' and an internet platform<sup>23</sup> to increase and facilitate union participation by agency workers, as well as the organisation of campaigns to protest against scandalous forms of agency work. Yet, although more than half of all temporary agency workers are employed in the metal and electro industry, IG Metall has not yet succeeded in achieving significant

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**20.** Union competition has increased due to successful unions of – especially – professionals that broke away from the DGB and their increasing recognition by labour courts as independent bargaining units.

**21.** The so-called 'Pforzheim Agreement' of 2004 in the metal industry was exemplary for this 'exemption trend'. The 'Pforzheim Agreement' allowed companies to deviate from the framework agreement in order to improve competitiveness, innovation and investments to save jobs in the future.

**22.** Although the revision of the *Betriebsverfassungsgesetz* (Works Constitution Act) in 2001 has extended the works councils and made their election easier.

**23.** See Zeitarbeitnehmer ohne Organisation machtlos-project (ZOOM, Temporary agency worker without organisation powerless), <http://www.igmetall-zoom.de> [last access: 18/01/2010]

membership increase among these workers. Nevertheless, a recent change in the national union leadership might indicate a strategic shift towards a more formal, planned and systematic approach to membership recruitment as such a shift is most prominent in Nordrhein-Westfalen, the industrial heartland of Germany and the largest IG Metall district (Turner 2009: 302-306; Silvia 2009: 85). Accordingly, IG Metall has recently set up a small department for campaigning. Additionally, the construction union IG BAU, which in 2004 set up a new union – the 'European Migrant Workers' Union' – for posted and seasonal workers, especially those working in industries such as construction or agriculture, is preparing a three-year organising campaign. Inspired by the Dutch unions, IG BAU also changed its statutes in 2005 in order to enable own-account workers to become union members (Schulze Buschoff and Schmidt 2007: 110-111).

In 2001 the merger between five existing services unions within the private service and public sector – in itself a rather 'traditional' revitalisation strategy and a defensive reaction to increasing financial and organisational difficulties – resulting in the Vereinte Dienstleistungsgewerkschaft (ver.di, United Service Sector Union), definitely served to open up new opportunities for a better organisation of non-standard workers. Some of the more innovative, yet still rather passive and defensive, methods are the monitoring of membership behaviour and the use of city-centre one-stop shops for attracting passer-by new members through the provision of advice, information and counselling on labour market issues and career planning (Annesley 2006: 171-172). Another initiative involves the use of text-messaging instead of leafleting to facilitate immediate communication among workers and between workers and the union in e.g. the private-care services. Yet many initiatives are 'still not comprehensive and coherent' and ver.di is still very much dominated by its public service unions and 'weaker at developing sustainable strategies in new sectors or regions' (Annesley 2006: 177). Ver.di's initiatives for organising workers in the new private service sectors are to a large extent centred on works councils and collective bargaining. In the call centre sector, for example, priority has been given to negotiating collective agreements for regulating pay and working conditions (Holst 2008). In 2004, ver.di, initiated a three-year campaign on low pay and working conditions in Lidl, a supermarket chain.<sup>24</sup> Although primarily focused on the establishment of works councils, the offensive campaign, with its coalition building with civil society actors, in many ways resembles the comprehensive union campaigns in the US against the 'Wal-Martisation' of working life (Rehder 2008: 443-445; Schreieder 2007). Despite the public attention and high media response to the Lidl Schwarzbuch, the campaign's success has been rather limited in terms of membership gains and establishment of works councils. This might be due partly to aggressive company opposition to the union campaign but also to the weak union staff support and insufficient resources (Turner 2009: 301-302). Other critiques point at the still hierarchical organisation of the campaign leaving less room for grassroots mobilisation and engagement at the local level (Gajewska and Niesyto 2009).

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**24.** On the Lidl-campaign, see <http://lidl.verdi.de/> [last access: 18/01/2010]



In 2006, in close cooperation with the American Service Employees International Union, ver.di set up a twelve-month ‘comprehensive campaign’ in the security sector in Hamburg, a sector in which 23 per cent of the workers are employed in so-called ‘mini-jobs’ (Dribbusch 2008b). This resulted in wage increases, membership gains, workers’ circles across different companies and the establishment of works councils. Although the campaign helped to change ver.di’s image to that of an active union and contributed to knowledge of the ‘organising model’, its lasting effect is questionable due to its limited duration and financial resources. Ver.di is simultaneously seeking to expand its constituency by taking in own-account workers (Pernicka 2005). In fact, these workers now have their own section – the Bundeskommission Selbständige – and representation within the federation. Great weight is attached to a service-oriented image by the provision of legal advice, representation before labour courts, training and education and a variety of insurance products. The Mediafon-project and its call-centre was originally focused on own-account workers in the media industries, arts and literary occupations, but today its individual services are on offer to all own-account workers.<sup>25</sup> Organisation of own-account workers is nonetheless hindered by the fact that they are not represented in works councils. Moreover, once they have been recruited, it is difficult to retain the own-account workers as members (ver.di 2007). In general, despite all efforts of ver.di, the membership distribution within DGB has changed little; IG Metall remains the most important union today (Dribbusch 2008a; Hassel 2007: 183), indicating that Europe’s largest service sector union has hardly yet been able to catch up with the structural shifts in employment. Recent membership figures for 2008 show even that IG Metall succeeded in almost halting its membership decline, while ver.di reduced its decline (Kraemer 2009). Overall, membership losses within the DGB were able to be further slowed down in 2008 but it remains to be seen how the economic downturn will affect union membership. Nevertheless, it is very likely that workers in the industry will be more affected by unemployment than workers in the services sector.

## **8. Netherlands: islands of organising in a sea of union services**

Until the 1980s union density in the Netherlands was above 35 percent, but during the following decades the unions recorded, albeit not continuously, relatively severe membership losses, partly as a result of severe job losses in manufacturing (CBS 2008; van Cruchten and Kuipers 2008, 2007). While there was a 90 percent increase in female labour market participation during the 1985-2005 period and ever larger numbers of women joined unions, union membership is increasingly ageing and density had fallen to a level of 23 percent by 2007. Moreover union membership is mainly passive: paid union officials are dominant and the service-oriented character of the Dutch

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<sup>25</sup>. On the *Mediafon-project* and its call-centre, see <http://www.mediafon.net> [last access: 18/01/2010]. Non-union members could make use of the services as well but had to pay for them.

labour movement exacerbates a tendency towards passivity among members (Valkenburg and Coenen 2000: 402-404). Furthermore the prevailing authority of confederations over affiliated unions discourages a more decentralised union policy. Driven by 'organisational viability', unions have reacted with mergers in the attempt to curb membership losses and solve their organisational and financial problems (Streeck and Visser 1997). The multi-sector union FNV Bondgenoten (FNV-Allies), the outcome of a merger in 1998 between unions representing workers in industry, food, services and transport sectors, is the most prominent example of the merger process. FNV Bondgenoten is the main union in the private sector and the most influential affiliate of the Confederation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging, FNV) and began to offer its own services, rather than relying on the confederation, but not without financial difficulty. With a membership share of 63 percent of all union members in 2007 (van Cruchten and Kuipers 2008: 48), FNV is still by far the largest confederation in the Netherlands and for this reason we focus primarily on this confederation.

Dutch trade unions, like their German counterparts, hold a rather strong institutionalised position in the industrial relations system (although not at the company level), which probably also explains why they have fewer incentives to actively organise workers (Kloosterboer 2007: 15). Yet the extension of collective agreements to all workers was called into question by the Dutch Parliament in 2001 due to the union membership decline over the last years and, consequently, the loss of representativeness of the trade union movement (van der Meer *et al.* 2009: 444; Grünell 2001). Furthermore, the close co-operation between the 'traditional' unions became weaker due to increased competition between them (Tros 2003). They are also facing greater competition from small, unaffiliated or independent unions, which are gaining importance and tend to undermine collective agreements by agreeing on employers' demands for exemptions (cf. Beukema and Coenen 2003). New unions have been founded in recent years as well (Grünell 2006, 2005), the most prominent, in terms of media coverage, being the internet-based Alternative Labour Union (Alternatief voor Vakbond, AVV). Set up in 2005, the AVV accused the existing unions of defending only the interests of the ageing core workers and losing sight of the interests of the other labour market groups, such as young workers.<sup>26</sup> The AVV regards a strike fund as unnecessary, which explains why union membership is inexpensive, but it is unclear whether the AVV has achieved much success in terms of membership. In 2006, as an alternative to conventional union membership, the general trade union De Unie, an affiliate of the Federation of White-Collar Employee Organisations and the Service Sector Union of the Christian National Union Confederation both also established low-cost internet-based unions. In fact these are internet-platforms targeting the so-called 'internet generation', providing helpdesk support and offering reductions on employment-related services such as training programmes or career counselling. Lastly, it was not until 2005 that the other traditional union, the FNV, which had closed

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26. See <http://www.alternatiefvoorvakbond.nl> [last access: 18/01/2010]

its youth section in 1995, set up another youth network organisation for the purpose of expressing views independently of the confederation.<sup>27</sup>

Dutch unions abandoned their sceptical view of part-time jobs back in the early 1990s due to the rapid move to an economy characterised by female part-time employment (Visser 2002a). Their approach towards part-timers did not differ from the so-called consensual 'polder model' with its emphasis on national social partnership. In order to remove differences in job and social security rights between part-time and full-time workers, priority was given to altering legislation and negotiating collective agreements, resulting in a 'normalisation' of part-time employment and negotiated flexibility. Unions' policy towards temporary (agency) workers has been along the same lines as for part-time employment. Though for a long time they opposed temporary employment, their policy has now shifted to the regulation of temporary workers by collective agreements and law, culminating in the Flexibility and Security Act of 1999 (De Jong *et al.* 2007). Nevertheless, at least in the short-term, part-timers and temporary workers were 'very unimpressed with the new roles trade unions have taken up as participants in the social-economic consultation structure and in the organisation of social security' as Valkenburg and Coenen (2000: 402) claim. Yet, today, in addition to trying to eliminate differences via collective agreement or legislation, some unions, influenced by the 'organising model', do put more effort into organising non-standard workers, with temporary workers as the dominant target group (Kloosterboer 2007: 16; van Klaveren and Sprenger 2009: 74). A website was also recently launched to fuel the debate on union renewal.<sup>28</sup> Since the 1990s the FNV affiliates have taken innovative initiatives, set up experiments and launched small-scale projects, although more emphasis is placed on servicing than on activating union members (van Klaveren and Sprenger 2009: 72-73). FNV Bondgenoten officials active in cleaning, agriculture and other sectors have been trained how to introduce the 'organising model' by organisers from the American Service Employees International Union. Recently FNV Bondgenoten has taken the decision to increase the number of organisers and to devote more attention to research for supporting organising campaigns. Debate and dialogue are further encouraged within the FNV affiliates through visiting organisers in the UK and the USA. Several organising campaigns in the cleaning sector (in Maastricht, The Hague, Utrecht, Schiphol, etc.), involving community support, have been initiated to empower cleaning workers (cf. van Klaveren and Sprenger 2009: 70-72). In 2009, after failed wage negotiations in the cleaning sector, the FNV Bondgenoten (2009) presented a 'white paper' describing working conditions in the sector. As an answer to the representation gap, the FNV Horecabond (Union of personal in Hotels, Restaurants, and Cafés) has involved members and non-members in the effort to become acquainted with workers' demands when negotiating a new collective agreement and has used a call-centre to inform members and recruit new members.

While some FNV affiliates remained reticent at the end of the 1990s, others responded to the rise in own-account workers, regardless of whether these

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27. See <http://www.fnvjong.nl/> [last access: 18/01/2010]

28. See <http://unionrenewal.blogspot.com> [last access: 18/01/2010]. For a similar German website, see <http://www.labournet.de> [last access: 18/01/2010].

workers' status was freely chosen, by opening their ranks (van Klaveren and Sprenger 2009: 68-69; van der Meer *et al.* 2009: 446; Verheul 1999). In 1998 the Building and Woodworkers' Union accepted own-account workers, the so-called 'Employers Without Personnel' (Zelfstandigen Zonder Personeel, ZZP). A separate union for own-account workers in the construction and wood sector was subsequently set up. FNV Bondgenoten also established a separate association for own-account workers in agriculture, health care, ICT, manufacturing, services, trade and transport. This association, called FNV Zelfstandige Bondgenoten, has also been recognised as an autonomous union within the FNV confederation.<sup>29</sup> The own-account workers are organised through cost-effective recruitment campaigns such as telephone marketing techniques.<sup>30</sup> Contact with the self-employed members is maintained by making use of new communication technologies like websites with member-only sections providing information and advice. Some individual services for own-account workers mirror those provided for regular employees but this group is also offered certain specific services (like administrative services, tax information and information for starters) and the FNV endeavours to promote their specific interests, especially by demanding legislative changes in the social security and tax system (FNV 2007). Following the FNV, the Christian National Union Confederation (Christelijk Nationaal Vakverbond, CNV), the second union confederation in the Netherlands, decided in 2007 to organise own-account workers as well, allowing dual membership of the new federation and sectoral federations (Grünell 2007). Unions exclusively organising own-account workers have seen their membership continuously growing and increasing faster than other unions. They are particularly good at recruiting own-account workers who have freely chosen their own-account status, while dependent self-employed workers are underrepresented (Schulze Buschoff and Schmidt 2007: 108-109).

## 9. Comparing the country-cases

It is often assumed that almost all trade unions across the post-industrialised countries face similar external challenges with regard to organising non-standard workers. Judging from our overview of non-standard employment in Germany, the Netherlands and the UK, this is true only in part. As Table 3 shows the intensity and change of non-standard employment differ not only between the various forms within each of the countries examined here but also from each of these countries to another.<sup>31</sup> As shown by the examples of low temporary employment in the UK and extraordinarily high part-time employment in the Netherlands, levels of non-standard employment are

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29. The former Transport Union (*Vervoersbond*), which was absorbed by the Allied Unions, tried to organize own-account workers through the formation of a linked association as early as 1997.

30. Every three months the Chamber of Commerce provides the unions with the names and addresses of new own-account workers.

31. The levels of the various forms of non-standard employment are based on comparison with the EU 15-average for the whole period (1992-2008). Yet the trends within those forms of non-standard work are calculated only for the period 2000-2008. The reason for this different use of periods is to better assess in Table 4 the possible influence of the 'organising model' which, except in the UK, was virtually absent from German and Dutch union practices in the 1990s.

strongly influenced by country-specific regulations. Recent increases in non-standard employment have been especially pronounced in the Netherlands and Germany but less so in the UK where part-time and own-account self-employment were already at comparatively high levels in the early 1990s. Female-dominated part-time employment is the most pronounced form of non-standard employment in all three countries – more than 40 percent of women in the UK and Germany and as many as three quarters of Dutch women are employed part-time. In this regard, the fact that union density among part-time workers has either remained stable or – as is the case in Germany – increased, while the density of full-time workers during the same time period has fallen significantly in all three countries considered here, indicates that unions are at least partly successful in organising part-time workers.

Table 3    **Sorting countries by level and change in non-standard work**

		Change in non-standard work, 2000-2008	
		Decrease or stable	Increase
Non-standard work*	Low	- Temporary employment: UK	- Own-account self-employment: DE, NL - Temporary employment: DE
	High	- Part-time employment: UK	- Own-account self-employment: UK - Part-time employment: DE, NL - Temporary employment: NL

Source: Authors' typology. See graphs 1, 2, and 3.

Note: \*Based on comparison with EU 15-average 1992-2008.

Political lobbying to influence legislation, especially with regard to social security, has been a strategy in relation to all forms of non-standard employment, but is especially prominent on behalf of part-time workers.

However, although trade unions are, to a certain extent, able to keep pace with the expansion of part-time jobs, they are not, as the membership figures for the Netherlands show, successful in reaching the most vulnerable group of part-time workers, namely those with low working hours. For temporary workers, meanwhile, the picture looks somewhat bleaker – see table 4.<sup>32</sup> In line with the more or less stable rates of temporary employment in the UK, British unions have seen a decrease in the unionisation of temporary workers, whereas the Netherlands have more or less stable rates of union density among this group, their share in overall employment having almost doubled. It emerges that, though the Dutch and German unions are increasingly trying to recruit temporary workers by use of the 'organising model', their success in this respect has to date been meagre, one possible explanation for which may be that temporary workers become much more frequently and recurrently unemployed than permanent workers and union strategies have traditionally not, in the three countries considered here, been geared to unemployed workers. Further reasons for the difficulties in organising this group of

<sup>32</sup> Information concerning union density among this category is available for the UK and the Netherlands only.

workers may be that their contracts and thus employment relationships with one firm are usually of short duration and that the group itself is less clearly demarcated than, for example, part-time or own-account workers.

**Table 4 Trend in union density according to the level, trend and form of non-standard work**

Level and trend in non-standard work	Form of non-standard work	
	Part-time employment	Temporary employment
Low and decreasing or stabilising	–	Declining density (UK)
High and decreasing or stabilising	Stable density (UK)	–
High and increasing	Rather stable density (NL); Increasing density (DE)	Rather stable density (NL)

Source: Authors' typology. See Tables 1, 2 and 3.

Note: No information for temporary workers in Germany, no reliable information for own-account self-employment.

Although there is no – or no reliable – data on union density of own-account workers, several recent union initiatives point to a situation where unions are becoming increasingly inclined to organise these workers and are successfully doing so. Yet, as is the case with the part-time employees, the more vulnerable own-account workers are more difficult to recruit. Insofar as they are not based in firms, most own-account workers cannot be reached by means of traditional union strategies and this is one reason why they pose a special challenge. It is therefore argued that unions would be well advised to spread their organising net beyond the enterprise (Pernicka 2009: 475-476). Own-account workers require, furthermore, more individual attention than other workers because their issues are not easily resolved on a collective basis. In particular, the negotiation of collective agreements for own-account workers is difficult because price agreements are illegal. The provision of specialised individual services, especially oriented towards insurance, seems to promise recruitment success, as indicated by both the German and, more particularly, the Dutch cases (cf. Schulze Buschoff and Schmidt 2007: 114-117). Furthermore, since own-account workers are widely dispersed, services and information are often offered through internet-based platforms. With their traditional emphasis on a 'servicing model' of organisation, the Dutch unions seem to be well prepared to defend the own-account workers, especially with regard to improving their coverage by social security benefits which – as in other countries – is deficient. While the means for reaching these workers are innovative, organising own-account workers in some sectors like art and media is not new for unions (see for example Haak 2008). Thus, although the highly individualised working conditions contribute to a primarily individualistic orientation of own-account workers (Pernicka 2006), this does not seem to represent a real obstacle to unionisation, at least for the less vulnerable workers among them.

Recruitment alone is not enough. Union organisational structures should also be adapted to non-standard workers. In other words, it is equally important that trade unions set up appropriate representation and participation structures for non-standard workers, which may have to vary according to the



form of non-standard work (Gallagher and Sverke 2005: 196-197; Dølvik and Waddington 2004: 19-21). In order to influence and to reform the bargaining agenda, these structures should reflect and take account of the more pronounced heterogeneity of non-standard workers' preferences and needs and their peculiarities as compared with standard workers. The organisational changes that have been introduced into the union structure to accommodate the presence of own-account workers are particularly marked in the Dutch and German country cases, insofar as they represent a more network-oriented approach to trade unionism (cf. Kochan *et al.* 2004). Insofar as own-account workers form a distinct group, differing from employees, unions tend not to integrate them into existing union structures but instead to set up specific sections within established unions, as in Germany, or to establish specialised unions, as in the Netherlands.<sup>33</sup>

## 10. Conclusion

Trade unions have long defended the interests of standard workers. In many cases, they have openly opposed non-standard employment arrangements as threatening the pay and working conditions of their core membership. As the traditional bastions of union membership have been shrinking and union-free zones of the economy have been growing, unions have, for the most part, come to accept non-standard forms of employment as a means of enabling some groups to remain in or re-enter the labour market, while also acknowledging their potential stepping-stone function. Furthermore, the unions have faced up to the need to tackle the situations of vulnerable employment with which non-standard labour is frequently associated. Non-standard workers' attitudes towards unions would seem, in general, to be positive but these groups are usually more cost-intensive to organise. In other words, it is not attitudinal constraints but rather structural ones that stand in the way of successfully organising non-standard workers. Indeed, they are more likely than standard workers to be employed in small, fragmented and dispersed workplaces with a high turnover and low union presence or acceptance at the workplace, this problem being especially pronounced among own-account workers who can only very seldomly be reached by traditional trade union means and strategies. Not only do unions have to find new strategies to penetrate those workplaces but they also need to strengthen their responsiveness to the interests of non-standard workers, which are likely to be more heterogeneous and, in some instances, diverge from those of standard workers.

Dutch and German trade unions have traditionally relied on social partnership to defend the interests of their members. While Dutch unions are deeply service-oriented organisations, previous research on the recruitment strategies of the German unions points out that 'the bulk of organising is diffuse, consisting of, among other things, recruitment by works councillors at the point of entry into unionised firms or when strike action is threatened'

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33. In Italy agency workers and sometimes own-account workers are organised and represented by separate trade unions as well (but not without difficulties), affiliated to the main confederations (Leonardi 2008).

(Heery and Adler 2004: 54). At least until the beginning of the twenty-first century the 'organising model' was far from central to the Dutch and German unions' efforts at revitalisation. In the first instance, unions in Germany and the Netherlands tried to curb membership losses and to increase their organisational power and financial viability by way of mergers. Nevertheless, some recent union initiatives geared to precarious workers (and thus a broader group than just non-standard workers) have applied Anglo-Saxon organising techniques, although in both countries the traditional 'servicing model' remains prominent. From a structural perspective it is possible to identify, in both countries, at least two main institutional changes that provide incentives for reviving recruitment efforts. First of all, even though the increased union competition is rather 'symbolic' in the Dutch case, recent debates have nonetheless called the representativeness of the 'traditional' unions into question. Secondly, the weakening of the favourable institutional position of the 'traditional' unions has also given momentum for actively organising workers. These two factors accord with the emphasis in the literature on the deteriorating institutional environment as an explanation for the trade unions' need to step up their recruitment efforts. In other words, while recruitment initiatives are thus predominantly explained by developments within the structural features of the industrial relations system itself, the same literature is – ironically – stressing the possibilities of strategic choice for unions.

Internal debate and framing processes within the unions, visionary and 'transformational' union leaders, grassroots developments and the agency of unions in general are somewhat underexposed as additional reasons for unions' increased efforts towards organising. But from our reading of the literature it is clear that the rather conventional understanding of German union leaders in relation to organising has changed and has become more influenced by Anglo-American organising efforts with their militant mobilising ideology (Turner 2009:299, 308; Brinkmann *et al.* 2008; Bremme *et al.* 2007). Yet in comparison with their German counterparts, Dutch trade union officers may appear to be more 'focused on formal consultation' thereby 'hampering the embedding of activation efforts in more traditional union practice' (van Klaveren and Sprenger 2009: 77). Additionally, unionisation decline started very late but rapidly in Germany compared with the rather incremental decline in the Netherlands. This difference in union decline perhaps contributed to a greater sense of urgency among the German unions and persuaded them to give greater priority than their Dutch counterparts to the 'organising model' for member recruitment. In the academic community the problems of introducing and making effective use of the 'organising model' within a German context have been acknowledged and debated (e.g. Dörre 2008; Frege 2000). It is assumed that successful organising would enable achievement of a 'critical mass' of unionised workers that is likely to be a prerequisite for establishing union-dominated works councils. Although recruitment initiatives inspired by the 'organising model' are encouraged at the local and regional level, it remains to be seen whether German unions are today 'desperate enough' (Turner 2003:40) to implement a strategy that incorporates the 'organising model' on a national level.



Finally, although the last decades have seen major increases in non-standard employment, the majority of workers still have standard employment contracts. Yet unions have difficulty holding on to their traditionally unionised core, given that union membership is declining most strongly among full-time workers or those with permanent jobs. Needless to say, the current economic crisis will not make the recruitment and retention of union members any easier. Recruitment costs can probably be lowered when unions orient their recruitment efforts in the first place towards increasing the workplace bargaining power of workers, i.e. the recruitment of members in upcoming economic sectors ‘where a localised work stoppage in a key node can cause disruptions on a much wider scale than the stoppage itself’ (Silver 2003: 13), instead of increasing the number of union members per se. The success of the ‘organising model’ in the UK has so far been rather modest. One may thus draw the tentative conclusion that an appropriate mix of the ‘traditional’ servicing model with an extension of services to new areas, might, combined with a systematic approach of organising techniques, prove more successful (cf. Behrens 2009:288 on Germany and Daniels 2009: 274; Fiorito 2004:50; Gall 2003: 232-4 on the UK). Services should therefore strategically be reoriented towards or integrated into an ‘organising model’ perspective. While the ‘organising model’ increasingly forms the subject of study, the specific shortages and advantages of the ‘service model’ remains rather underexposed.<sup>34</sup> Finally, in order to better comprehend the failure and success of the ‘organising model’ and the extent to which it can be transferred in a fruitful way to other countries, more comparative research is likely to be needed, as well as a shift in trade union research from a national towards a more trans-national approach.

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**34.** Recent research on union services is often influenced by a marketing approach and, perhaps not accidentally, concentrates on young workers (who are frequently employed in non-standard work arrangements) (cf. Bailey *et al.* 2009; Gomez and Gunderson 2004).

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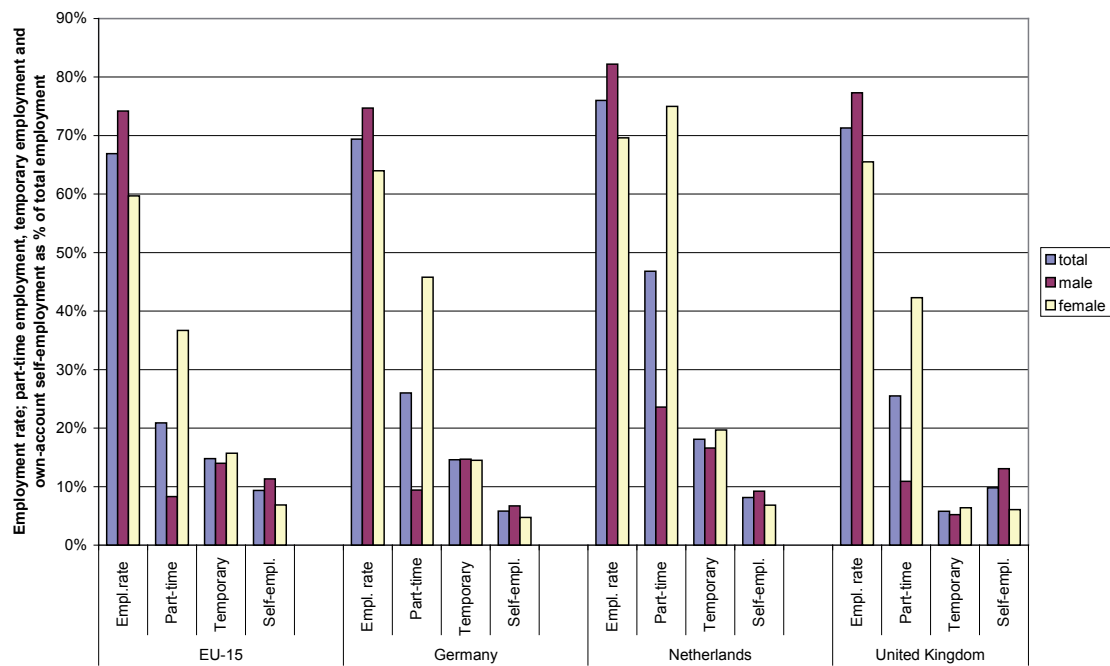
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## Glossary

<b>AVV</b>	<i>Alternatief voor Vakbond</i> (Alternative Labour Union)
<b>CNV</b>	<i>Christelijk Nationaal Vakverbond</i> (Christian National Union Confederation)
<b>DE</b>	Germany
<b>DGB</b>	<i>Deutscher Gewerkschaftsbund</i> (Confederation of German Trade Unions)
<b>EC</b>	European Commission
<b>EPL</b>	Employment protection legislation
<b>EU</b>	European Union
<b>FNV</b>	<i>Federatie Nederlandse Vakbeweging</i> (Confederation of Dutch Trade Unions)
<b>NL</b>	Netherlands
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>UK</b>	United Kingdom
<b>USA</b>	United States of America
<b>ver.di</b>	<i>Vereinte Dienstleistungsgewerkschaft</i> (United Service Sector Union)
<b>ZZP</b>	<i>Zelfstandigen Zonder Personeel</i> (Employers Without Personnel)

## Annex

Figure 4 **Employment rate, part-time employment, temporary employment and self-employment, 2008**



Source: Eurostat 2008.

Note: 15-64 years.

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