

# RENEWAL INSTITUTIONAL CHANGE AND UNION DECLINE

Early industrial relations scholars associated changes in market structures with declines in union power and organization. These dynamics continue to form the critical backdrop to the contemporary crises facing unions. The insights of institutional theory hold tremendous potential for advancing our understanding of the dynamics of both union decline and union renewal. The paper seeks to connect early industrial relations theory, rooted in institutional economics, with contemporary scholarship on union renewal. The central argument emerging from this connection is that both union decline and renewal are inherently linked to institutional change. Reactive strategies, which attempt to mitigate the negative impacts of economic restructuring can, at best, slow union decline. Adaptive strategies may prolong the survival of the union species. In contrast, a conceptual framework which links union renewal to institutional change may provide greater theoretical clarity of the revitalization process. Under this framework, union revitalization, as opposed to isolated incidents of union success, involves the strategic ability to shape a more hospitable environment through institutional change.

Robert Hickey, Ph.D.  
School of Policy Studies  
Queen's University  
Kingston, ON K7L 3N6  
Phone: (613) 533-6485  
Email: [hickeyr@queensu.ca](mailto:hickeyr@queensu.ca)

## **RENEWAL**

### **Institutional change and union decline**

Scholars of union renewal have generated a rich literature examining efforts by trade unions to reverse the dramatic declines in density and influence (Fairbrother and Yates 2003; Kumar and Schenk 2006; Turner *et al.* 2001). Studies of innovative organizing strategies (Bronfenbrenner and Hickey 2004), community coalitions (Cranford *et al.* 2006), organizational restructuring (Kumar and Schenk 2006), global campaigns (Bronfenbrenner 2008), and new approaches to political action (Turner *et al.* 2001) reflect both the diversity of this literature, as well as a lack of conceptual cohesion. As a result, renewal has become everything — any union campaign resulting in a positive outcome, and nothing — aggregate union density continues to decline in most of the industrialized world. Critical debates over the nature and extent of union renewal do provide important points of reference for making sense of this diverse literature. Broadly speaking, renewal is characterized either as a process of member engagement, or measured as an outcome of innovative tactics (Hickey *et al.* forthcoming). These divergent conceptualizations of union renewal have contributed to the lively debates concerning bottom-up versus top-down renewal strategies (Parker and Gruelle 1999; Milkman 2006). However, even with acknowledgements that union renewal is multi-faceted phenomenon (Heery 2003; Fiorito 2004), we are left with an ambiguous theoretical foundation for understanding and explaining union revitalization. Without such a foundation, it is difficult to correctly identify union renewal when it does happen, much less understand the process by which it occurs.

The primary objective of this paper is to connect the “new” literature of union renewal with the “old” industrial relations (IR) literature rooted in institutional economics. Early IR scholars argued that the “labour problem” was best understood through an institutional lens rather than the commodity-based labour supply and demand model of classical economics. Specifically, this paper seeks to demonstrate that the nature and dynamics of institutional change

can provide a firm conceptual foundation for understanding both union decline and renewal. Moreover, union renewal efforts are best understood as an exercise in institution building and institutional change.

This endeavour benefits and draws from the renewed academic interest in the role of institutions in national political economies (Hall & Soskice 2001), and the broader debates over the nature and processes of institutional change (Streeck & Thelen 2005). This paper adopts a broad definition of the term “institution” as elements of a web of interrelated formal and informal rules and norms that govern economic, political, and social behaviours (Nee & Swedberg, 2005; Hall & Thelen 2007). This approach does not reject the insights gained from more narrow views of institutions as formal rules enforced by third party agents (Streeck & Thelen 2005), nor the economic rationalism of neo-institutionalists (North 1990). Rather, the modern debates add dynamic potential to the conceptual foundations of early industrial relations scholars.

The next section begins the process of connecting the current scholarship on union renewal with the conceptual foundations of the early industrial relations literature. These classic works which identified the role of institutions in labour markets and in the industrial relations system more broadly provide a cohesive theoretical foundation for understanding union renewal. Supplementing the classic IR literature, recent developments in institutional theory add dynamic processes of institutional change (Hall and Soskice 2001; Kochan *et al.* 1994). The focus returns to union renewal in section three, applying the institutional framework to union renewal and assessing revitalization strategies as mechanisms for institutional change. Section four considers the methodological implications of this conceptual framework. Section five concludes with a

discussion of potential directions for future research on union renewal using this institutional framework.

### **Unions and institutional economics**

The development of industrial relations as a field of study emerged from institutional economic theory. Economists concerned with industrial disputes and other labour problems took a multi-disciplinary approach to understanding employment relations, rejecting classic economic models that treated labour as a commodity and the employment relationship like any other market maximization equation (Kaufman, 2004). In this way, institutional economics was a reaction against models of market fundamentalism. Some of the basic tenets of the institutional tradition are that workers are not commodities and institutions are more than products of market relations. Commons (1909) showed how changes in market structures impacted workers and spurred adaptive responses to form labour unions. From this seminal work, IR scholars have recognized how changes in the external environment impact employers and unions (Kaufman, 1993). Changes in the institutional arrangements governing labour market structures led to the decline of early labour organizations. Market changes were seen as a result of external shocks to these institutions such as technological advances that improved transportation networks and de-skilled the work process. Unions responded to these changes by organizing the labour market on a municipal or regional scale, thus matching their organizational structure to the new institutional realities. Despite periods of relative stability in labour markets and employment relations, employers constantly sought to dismantle or change the institutional arrangements that provided workers with greater bargaining power through control of the labour market and work process.

Contemporary IR scholars studying union renewal have tended to frame revitalization as a process of member engagement (Fairbrother 2000; Stinson and Ballantyne 2006) or the development and adoption of innovative strategies and tactics (Bronfenbrenner and Hickey 2004; Voss and Sherman 2000). Curiously, while globalization and other forms of institutional change have been seen as important for explaining union decline and organizational crisis, institutional

analysis has not played a significant role in explaining union renewal. Part of the reason why scholars have not conceptually framed union renewal in institutional terms may be related to the limitations of early IR scholars who generally viewed unions as narrowly seeking to protect the conditions of work, an essentially conservative force in society and generally opposed to changes in the external environment (Hoxie & Fine, 1920; Perlman, 1979; Webb & Webb, 1920).

Pragmatic unionism or job control unionism as experienced in the US was not seen as a source of transformative change. Indeed, labour history often reads as a series of failed attempts to resist changes (Montgomery, 1980). Moreover, the institutional theories of early IR scholars have been criticized for structural determinism, locking employers and unions in an institutional straight jacket. Institutional theory, in this tradition, provided no room of union agency. Recent advances in institutional theory provide scholars of union renewal the conceptual tools to overcome the problems of structural determinism and embedded agency of early industrial relations theory.

Several streams within the fields of institutional theory, including economics, sociology, political science and industrial relations, have provided more dynamic models to explain institutional change (Greenwood & Suddaby 2006; Streeck & Thelen, 2005; Dacin *et al.* 2002; DiMaggio, 1988). Here, I focus on three distinct contributions from this diverse literature which help link institutional theory to union renewal. First, I briefly sift through the diverse range of definitions to provide a conceptual clarification of institutions – what they are and how they function. Second, recent debates over institutional theory suggest how actors might overcome problems of embedded agency and become ‘institutional entrepreneurs’ (Greenwood & Suddaby 2006). Finally, these debates over the nature and process of institutional change provide conceptual building blocks for understanding the mechanisms and patterns of institutional change (Greenwood & Suddaby 2006; Streck & Thelen 2005).

To connect union renewal to institutional change, I adopt a broad definition of institutions, comprising both formal and informal rules, norms and practices which govern social, economic, and political behaviours and interactions. Institutions are comprised of both

structures (rules, laws, regulations etc.) and patterns of behaviour or practice. What do institutions actually do? Institutions constrain, coordinate, provide incentives and regulate behaviours and interactions (North 1990). Institutions confer rights (employment standards), and apply rules, but they also provide resources and influence capabilities. Institutions reflect the outcomes of power relations between actors, but institutions also provide resources and power to actors. "Institutions do not simply resolve collective action dilemmas: they reflect and contribute to the balance of power found in many parts of the political economy" (Hall & Thelen 2007:\_\_\_). In addition, institutions tend to displace the exercise of raw bargaining power and unilateral pursuit of interests with a negotiated and mediating governing authority. An unregulated environment, that is a market or similar space of economic activity with no formal institutional governing structures, is instead governed by the dominant actor. (Need to expand this explanation.)

There is an important distinction between formal and informal institutions, but in contrast to accounts of institutional change which focus only on formal structure (Streeck & Thelen 2005), the dynamics informal institutions are no less significant for union renewal. Formal institutions are codified in rules, laws, or contracts and are generally enforceable by third party authorities. Informal institutions may be written or assumed social conventions in which enforcement is of a voluntaristic nature. Both forms of institutions involve interpretation, implementation and enforcement at the individual and collective levels. Social conventions can exceed formal institutions and there can be substantial institutional heterogeneity within both the national and local contexts. Changes in social conventions and incompatibility between informal and formal institutions can lead to transformative changes in the formal structures (North 1990).

Formal institutions are porous, exhibiting gaps between structure and practice, between codified rules and enforcement. Institutions, both formal and informal, overlap, interact and combine into a web of rules (Dunlop \_\_\_), systems, fields, or regimes that govern social, political, and economic behaviour and interactions. For example, the Ontario Labour Relations Act creates a formal institutional structure that governs union formation and labour-management

relations in designated jurisdictions. These activities, unionization and labour-management relations, are also governed by a host of other interlocking institutions, both formal and informal. The institutional environments of union and non-union workplaces are substantially different as a result of the institutions established by unions. There are differences in the interpretation of these governing rules between actors, and gaps in the enforcement by governing authorities create space for change. The latitude of action within existing regulatory regimes can be substantial. Informal institutions exhibit weaker enforcement regimes, and therefore there is typically less cost associated with deviant behaviours.

Institutions operate at multiple scales simultaneously (CITE), therefore research on union renewal as institutional change should be multi-scalar, including micro, meso and macro levels of analysis. At the micro level of workplaces, unions and other areas of local activity, the industrial structures of production networks reflect a meso-level of institutional scale. Macro institutions govern political and economic activities at the international or global scale. Macro-institutions include both formal structures, like the World Trade Organization, and institutions that reflect social conventions, such as ILO conventions, and international framework agreements. In addition to the multi-scalar characteristics, institutional complementarities (Hall & Soskice 2001) and the density of interlocking structures and practices have important implications for institutional change processes. Regimes with a dense web of institutional components are likely more resistant to change. However, even in these dense structures, stability on the surface of formal institutions may mask significant transformations among the institutions below. For example, while the legislation governing US Postal Services went unchanged for over thirty years, the mailing industry and the network of institutions governing activities in the sector experienced profound transformations. Even in the context of stability of formal institutions, institutional change can be incremental and transformative (Streck & Thelen 2005).

Do unions operate as institutions? More generally, what are the distinctions between organizations and institutions? Organizations operate under institutional structures, union

constitutions and state regulations for example. Unions are also governed by informal social conventions and norms of behaviours. Organizations should be considered as distinct from these governing institutions. However, organizational arrangements, such as production networks, and the web of rules that comprise large public organizations, like the International Monetary Fund, do fit the broad definition of institutions (Streeck & Thelen, 2005). Unions may establish, monitor and enforce institutional regimes governing labour markets. For example, construction unions limit the size of the available labour pool and contractor access to skilled workers. Unions act as builders of institutions by establishing collective agreements and the related formal institutions governing wage rates, workplace practices, and employment relations. Unions also contribute to the creation of informal institutions such spill over and threat effects on wages. But unions are organizations, not institutions under this framework. Parliament is a political institution but the political parties are organizations.

### *Institutional entrepreneurship*

Scholars have found that unions which enjoy strong institutional positions are less likely to pursue to types of grassroots organizing strategies associated with union renewal efforts (Baccaro *et al.* 2003). The problems of embedded agency and structural determinism have limited the conceptual contributions of institutional theory (CITES). Two important advances in institutional theory—strategic choice and institutional entrepreneurship—provide the conceptual dynamics to account for union renewal. Strategic choice theory provided a revised framework that integrated “the traditional theories of industrial relations systems with the literature on corporate strategy, structure and decision making” (Kochan et al., 1994, p. 11). Traditional environmental factors, such as labour markets, workforce characteristics, and public policy rules, set the basic context for the framework. However, rather than forming a static system with deterministic pressures, the strategic choice process was based on a “continuously evolving interaction of environmental pressures and organizational responses” (Kochan et al., 1994, p.13).

The authors’ major conclusion showed that “employers adapted to labour and product-market changes in the post-1960 period in ways that reduced their vulnerability to unionism

while unions and government policy remained fixed in the collective bargaining model of the New Deal” (p. 13). However, there is an important distinction between adaptive strategies and internally driven initiatives. Under the strategic choice model, business strategies are still largely determined by external factors. However, employers did not just respond to changes in market and environmental conditions; they were the driving force behind many of those changes. This emphasis is consistent with the strategic choice framework, but it expands its theoretical applications. For unions, Lévesque and Murray (2002: 47-52) identify this form of strategic choice as pro-activity or the ability to articulate and pursue an independent agenda.

The concept of institutional entrepreneurship shows how actors overcome the problems of embedded agency. Greenwood and Suddaby (2006) define institutional entrepreneurs as interest-driven, aware, and calculative. Likewise, DiMaggio (1988) described institutional entrepreneurs as “organized actors who envision new institutions as a means of advancing interests they value highly, yet are suppressed by extant logics,” (DiMaggio 1988: 29). Rather than reaching equilibrium, institutional regimes are constantly tested and pushed by actors who are seeking to advance their interests. Gaps within formal institutional structures and the latitude of social conventions provides space for agency. To pursue institutional change actors need both the vision of new institutional arrangements and the resources to advance those interest-based changes in the face of oppositional networks (also Nee & Swedberg 2005) and the established institutional regime.

Some organizations are better positioned to effect institutional change than others. How then can we account for differences in the ability of unions to precipitate institutional change? Nee (2005; see also Nee & Swedberg, 2005) noted that organizational actors encounter oppositional networks and other forces of resistance. Greenwood and Suddaby (2006) found that “institutional entrepreneurship by central organizations has a higher probability of resulting in institutional change than do similar efforts by peripheral organizations” (43). If employers occupy the commanding heights of the institutional landscape, it is not surprising that they are in the best position to lead institutional change. Central actors overcome the inertia of institutional

embeddedness when certain institutional arrangements (e.g. collective agreements) contradict their organizational interests (e.g. employment flexibility).

This approach to institutional entrepreneurs echoes the findings of Lévesque and Murray (2002) who identified an independent agenda combined with internal and external resources as key factors to union effectiveness. Despite similar institutional contexts, differences in resources and strategy may lead to significantly different outcomes for unions (Sako & Jackson 2006). Certain organizational characteristics such as resources, capabilities and a strategic independent agenda (see Lévesque and Murray \_\_\_\_ ) are important to understand how and why union renewal efforts succeed or fail to result in institutional change.

The common strategies of union renewal such as organizing, political action, and community coalition formation (Kumar & Schenk 2006; Fairbrother & Yates 2003; Turner *et al.* 2001) can also be viewed as mechanisms for institutional change. The conceptual shift involves placing institutions as the dependent variable in the study of these campaigns rather than as one of the independent variables. In this way, union renewal strategies may result in institution building, the transformation of unilateral practices or social conventions into formal institutions, or institutional change, patterns of change in the existing institutional structures and practices. The transformation of hiring practices in the long shore industry from daily shakeups to a hiring hall system is an example of institution building. In this sense, institution building is akin to the patterns of displacement identified by Streeck and Thelen (2005: 19-22). Other patterns of institutional change through gradual transformations included layering, drift, conversion, and exhaustion (Streeck & Thelen 2005). It is time to return our focus to union renewal strategies to see how these efforts might be understood as exercises in institutional change.

### **Union renewal as institutional change**

Union renewal implies a change or shift in orientation, activity and effort. Defence of existing institutions may indeed be an important part of a union's organizational survival, but renewal suggests something more than continued existence. Successful organizing campaigns may result in the marginal growth in union membership, but provide no institutional change in

the labour market. Fisher and Kondra (1993) examine the collective bargaining responses to changes in the long shoring industry. The authors concluded that the unions that accommodate change through “proactive strategic choices” fared better in the long term than those that simply resisted change. A union’s ability to effect changes to the environment, or more specifically, changes to the institutions governing the environment provides an important distinction between reaction and survival on the one hand, and vitality and renewal on the other.

How might we re-frame accounts of renewal through an institutional lens? First, not all cases currently included in the canon of union renewal meet the benchmark of institutional change. Nor is successful institutional change a guarantor of individual campaign success, but suggests greater power and organizational vitality over the longer term. For scholars focused on union renewal as the reflection of innovative tactics and successful campaign outcomes (Bronfenbrenner & Hickey 2004; Juravich and Bronfenbrenner 1999) the institutional framework suggests that data analysis on campaign outcomes is too narrow a focus. There is a substantial body of evidence now that shows that innovative, comprehensive campaign tactics result in more successful outcomes (CITES). However, the real question for union renewal is whether union strategies change the institutions governing union formation and labour-management relations. These works tell us a great deal about effective strategies within a given set of institutional regimes, but the proposed conceptual framework would require that we place institutional change in the dependent variable slot rather than campaign outcome. Union renewal should focus on strategies that change the institutional rules of the game. Adaptation suggest a lack of independent change agenda. Innovative tactics are important, but for real union renewal, the agenda to advance institutional change should be the unit of analysis.

How might this conceptual framework account for scholars who describe union renewal as a process, especially one of membership activism and organizational engagement? The perspective of union renewal as a process also appears to be too narrow, focused on the precursors of institutional change and internal conditions. Changes in the internal governing institutions and practices of unions may provide significant gains in resources, capabilities and

articulate an independent, pro-active agenda—essential pre-conditions for change. But this perspective of renewal fails to account for the union's position in the boarder institutional context and whether these internal changes lead to transformation in the external institutional environment.

To demonstrate how the conceptual framework of institutional change may advance our understanding of union renewal, I will briefly review a few union renewal strategies and reframe them as cases of institutional change. Erickson and his colleagues (2002) catalogue the decline and renewal of the Service Employees International Union among janitors in Los Angeles. The decline is presented as related to changes in labour market structures and organizational arrangements—institutional changes leading to union decline. Renewal was a story of unconventional organizing tactics and leverage drawn from the union's broader network of collective bargaining relationships. In this case, the union's organizing efforts had to re-establish formal institutions structures which had been dismantled by the strategic choices made by employers.

Even without substantial changes in the formal regulations governing the labour market, employers strategically changed employment relations through the use of sub-contractors and similar forms of temporary and contingent labour. These business changes led to the vertical disintegration of the building services sector in which owners no longer directly employed janitorial workers. The union's organizing campaign had to build formal institutions in order to re-connect the building owners with the workers, thus reconfiguring the network structure of the industry. Renewal required that the union address multiple institutions at both the local and national scale. Despite the major mobilization of workers in Los Angeles, the unions relationship with these same firms in new York City were critical to the campaign's success.

The decentralization of collective bargaining (Katz 1993) is another example institutional changes leading to the decline of unions. Reversing the direction, one can view collective bargaining strategies which seek to coordinate or centralize bargaining structures as a form of union renewal through institutional change. In the developmental services sector in Ontario, the

Canadian Union of Public Employees (CUPE) and the Ontario Public Service Employees Unions have been coordinating their bargaining strategies to centralize bargaining with dozens of community living agencies. This centralization of bargaining structures requires institution building amongst employers. While the unions have used coercive tactics to advance their interests in centralized bargaining, this case suggests that cross actor alliances (Swenson 2002) are more likely to result in centralization than pure bargaining power. Similar dynamics have taken place in Ontario's education sector where the Ministry of Education has compelled local school boards and teachers unions to move towards a centralized bargaining model.

While political action may be the most obvious efforts at union renewal through institutional change, North American unions have had very little success in changing the formal structures based on labour legislation. The federal anti-scab bills in Canada, and the Employee Free Choice Act in the US appear unlikely to overcome the stiff opposition of the business community. Density in the web of formal institutions governing labour regulations, and density in the oppositional networks to formal changes suggest that leading formal institutional changes requires incremental and transformative changes in the underlying social conventions and informal institutions. Political action can be a powerful force for union renewal, even if it does not rise to level formal changes. The efforts by the Service Employees International Union to organize home care workers in the US has led to the transformation of vast informal labour markets into para-public workforce governed by collective agreements.

Efforts by Global Union Federations to establish International Framework Agreements (Stavis & Boswell 2007) represent new macro-institutions, albeit of an informal or social convention nature. Core labour standards established by the International Labour Organization (ILO) also reflect the soft laws of macro-social conventions. While the ILO has little power to compel compliance through sanctions, the developments of these informal institutions have contributed to institutional drift (Streeck & Thelen 2005) of Canadian labour law. In the *Health Services* decision (Supreme Court of Canada 2007), the Supreme Court of Canada referenced

ILO convention No. 87 in its historic decision to consider collective bargaining rights as part of the freedom of association rights protected under Section 2(d) of the Charter.

### **Methodological implications**

Several methodological opportunities and challenges emerge from adopting an institutional lens to study union renewal. The primary methodological change identified in the discussion above is to make institutional change the dependent variable of interest. Institutional entrepreneurship allows us to maintain an actor-centred approach, thus avoiding the problems of structural determinism associated with early IR scholars. Still, there are methodological lessons to be drawn from the early institutional theorists who emphasized a pragmatic emphasis on facts, the indeterminacy of complex institutional arrangements, endogenous sources of institutional change, and a behavioural realism that eschewed strict economic rationalism (Jacoby \_\_\_\_).

Accounting for mechanisms and patterns of change requires disaggregating the complex web of institutional structures and practices. In part, this requires multi-level analyses of simultaneous change at the micro, meso, and macro levels. There is also a methodological challenge of accounting for the linkages between formal and informal institutions and causal directions of change. (NEED TO EXPAND AND ARTICULATE POINTS HERE FLUSH OUT CONCLUSIONS)

### **Conclusions**

Conceptually, union renewal has expanded to encompass nearly any marginally successful efforts by unions to mobilize members or organize non-union workers. In the context of continuing declines of union density across most industrialized countries, renewal appears to do little more than delay extinction. This paper has attempted to establish a more rigorous framework for defining when union revitalization occurs and understanding the process of renewal. To do this, I draw from the classic works of industrial relations scholars and link institutional theory to contemporary studies of union renewal. This theoretical framework connects theories of union decline with parallel theories of union renewal by focusing on the

dynamics of institutional change. More specifically, this concept of union renewal examines how union strategies precipitate changes in institutional structures and practices. Reframing accounts of union renewal as institutional change can significantly advance our understanding of the nature, mechanisms and processes of union renewal. By putting institutional change into the dependent variable position, single instances of union success and reactive defensive strategies become conceptually distinct from union renewal.

Directions for future research...

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