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Decollectivist Strategies in Oceania

DAVID PEETZ

Each action of a decollectivizing employer—be it in the realm of employment practices, information or relational actions—has both real and symbolic dimensions that may be inclusivist, exclusivist or both. While many attempts at decollectivism are crude, Australia has seen the emergence of a coherent model of sophisticated decollectivist behaviour which has policy implications for many countries. Some analogies can be seen between certain sophisticated strategies of decollectivizing employers and state strategies of Oceania in Orwell's 1984, though there are many limits to such analogies and indeed to the success of decollectivist strategies, due to the contradiction between rhetoric and actions, employees' exposure to other discourses and the potential for union response and renewal.

A group of employer practices—aimed at deunionizing (removing union membership from presently unionized workplaces), reducing the influence of unions so that they are in effect derecognized for bargaining purposes, or at maintaining an organizations' non-union status—can usefully be grouped together under the banner “decollectivism.” The use by employers of strategies of individual contracting, a central element in such strategies, has been particularly evident in Australia, New Zealand and the U.K. (Brown et al. 1998; Dannin 1997; Gilson and Wagar 1996; McCallum 1996; Morehead et al. 1997; Oxenbridge 1999; Waring 1999; Wooden 2000) A coherent decollectivist model has started to emerge in Australia, initially through the operations of companies in the CRA/Rio Tinto group (a multinational resource group), but also evident in the behaviour of other

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employers. Such links should not be seen as entirely coincidental. Several of the Australian companies referred to in this paper have links to each other and to CRA/Rio Tinto through management personnel and directorships. Employer associations and management consultants reproduce the ideas and tools of decollectivism.¹ Thus strategies first adopted in metaliferous mining and smelting have been adapted in attempts to fit a range of industries. The purpose of this article is to draw together studies and evidence on decollectivist strategies, to examine their patterns and methods and, in doing so, to develop a model of decollectivist employer behaviour. After describing the nature of the model of decollectivist employer behaviour, I gather together evidence of employer behaviour in Australia and group this evidence under several categories described in the model relating to the real and symbolic dimensions of employer behaviour.

A MODEL OF DECOLLECTIVIST EMPLOYER BEHAVIOUR

Our first step is to distinguish between the inputs into a decollectivist management strategy, and the outputs from it. The inputs are those actions that inform the management decision-making process. The use of “union busting” management consultants (Levitt and Conrow 1993: 1–3; Bronfenbrenner 2001) and teams of lawyers, and changes in senior corporate management (Peetz 1998: ch. 6) are examples of inputs associated with decollectivism. This discussion, however, focuses on the outputs² from management decision-making processes, not the inputs to it.

The model of the outputs of employer decollectivist strategies, described below, is based on the proposition that each output action of an employer who attempts to decollectivize has a real dimension and a symbolic dimension. These dimensions, and actions and methods associated with them, are illustrated in Figure 1. The real dimension is the physical

1. For example, the manager of Employee Relations at Telstra, Australia’s major telecommunications company, worked formerly with CRA. The Deputy Chairman of Telstra is also the chairman of the Commonwealth Bank. The chairman of the Commonwealth Bank is a former CEO at CRA (as are chairmen of two other major banks). The deputy chairman of the Commonwealth Bank is on the board of BHP (and Qantas) and is the president of the Business Council of Australia (BCA). Widely known management consultant firm World Competitive Practices includes former senior members of the BCA Employee Relations Study Commission on enterprise bargaining, that provided much of the impetus to non-union work arrangements, and former senior executives in CRA and Rio Tinto (WCP 2001; Telstra 2000; McCrann 2001).

2. “Outputs” (what management does) are distinguished from “outcomes” such as falls in union influence and membership.

manifestation of the action: is it information, is it something to do with the relations between parties—that is, is it something that concerns relations between employer and employees, between employer and the union, or between the union and employees—or is it an employment practice—that is something that concerns the conditions under which work takes place? The symbolic dimension is the meaning that is attached to the action, and conveyed to a target audience about the relationship between a party and the employer. The message it gives may be either inclusivist, that is telling particular employees that they are an integral part of the organization; or exclusivist,³ that is, indicating that particular other employees, or forms of behaviour, or unions themselves, are not welcome. Some messages will simultaneously include some groups and exclude others.

FIGURE 1
Outputs from Decollectivist Strategies: The Model

Real Dimension	<i>Employment Practices</i>			
	<i>Relational</i>			
	<i>Informational</i>			
		<i>Exclusivist</i>	<i>Dual Inclusivist / Exclusivist</i>	<i>Inclusivist</i>
	Symbolic Dimension			

In *Confessions of a Union Buster*, Levitt (1993: 2) writes: “The enemy was the collective spirit. I got hold of that spirit while it was still a seedling; I poisoned it, choked it, bludgeoned it if I had to, anything to be sure it would never blossom into a united workforce.” The symbolism that is associated with more sophisticated decollectivist actions aims to shape employees’ notions of belonging, to retard and transform collective spirit,

3. I use the term “inclusivist” rather than the more elegant “inclusive” because the policies are not actually inclusive in the normal meaning of the word: they do not seek to encompass all groups but rather to exclude some and selectively incorporate others.

so that they conceive of themselves as belonging not to an employee-focused collectivity—a union—but rather to an employer-focused collectivity—the organization. Despite rhetoric, it is not about “individualism” in the sense Purcell used it, when he said that organizations “which have individualistically centred policies... [are] concerned with developing and nurturing each employee’s talents and worth” (Purcell 1993). If this were so, they would accept and embrace the diversity of individuals, including their taste for unionism. Instead, sophisticated decollectivizing organizations seek to create a monoculture that might comprise individuals with different sets of skills but amongst whom there is a single, common set of values that exclude unionism. As a U.K. personnel manager interviewed by Dundon (2001: 10) put it: “if an individual didn’t share our vision they’d have to go and work for another company where they could enjoy that sort of representation.” It seeks the sort of individualism evoked in the scene in Monty Python’s *Life of Brian*, in which Brian shouts “You’re all individuals!” and the large crowd chants in unison “Yes! We’re all individuals!”⁴

This symbolism therefore also aims to shape the reference groups with which employees associate, away from wider notions of occupation or class, to narrow conceptions based on their immediate work environment and their organization. It will also shape employees’ expectations, so that demands for wages will not be based on movements in community standards but on improvements in personal productivity. By this mechanism upward pressure in unit labour costs will be minimized and, hopefully, removed altogether.

Thus the symbolic dimension seeks to affect organizational culture: “the set of shared, taken-for-granted implicit assumptions that a group holds and that determines how it perceives, thinks about and reacts to its various environments” (Schein 1996: 236). In a program of cultural change—“culturism”—each action will be undertaken with this symbolic dimension in mind.

Perhaps the strongest critique of culturism is that by Willmott (1993), who argues that culturist firms aim to define employees’ purpose “by managing what they think and feel, and not just how they behave” through a “systemic and totalizing approach to the design and strengthening of the normative framework of work” (Willmott 1993: 516, 524). A key contribution of Willmott’s article is the comparisons he draws between the

4. See <http://www.montypython.net/brianmm2.php> (acc. 16/10/01). Ironically, Brian argues with the crowd: “You’ve got it all wrong. You don’t need to follow me. You don’t need to follow anybody! You’ve got to think for yourselves!” Such is not the advice of Dundon’s interviewee.

practices of culturism and the notions of *newspeak* and *doublethink* in George Orwell's 1984. Hence the main title of his article is: "Strength is Ignorance; Slavery is Freedom," inverting two of the three slogans of Orwell's Ministry of Truth. "In the... bureaucratic, rule-governed organization, employees are at least permitted to think what they like so long as they act in a technically competent manner... in organizations with a strong corporate culture, such disloyal communication is at best strictly coded if it is not entirely tabooed." He quotes Peters and Waterman (1982: 77 in Willmott 1993: 528): "you either buy into their norms or you get out," and challenges the assumption that autonomy can be realized within a monoculture that suppresses critical reflection (1993: 531). This point is taken up by Mabey and Salaman (1995: 290) who point out "the focus on cultural change... is often an attempt to impose a consensual, unitarist conception of the organization on all employees, and thus to gain their commitment."

A decollectivist strategy will typically operate through many mechanisms. Actions are taken both to demonstrate the benefits to the employees of adopting the company's preferred, union-free, model, and to create disutilities for those who wish to pursue an alternative model. Not every decollectivist strategy will contain each method described—nor will it always succeed. Decollectivist strategies will range from quite simplistic, crude methods to highly sophisticated strategies. At the simplistic, instinctive, end, the focus will be on exclusivist approaches. More sophisticated approaches will take heed of the advice of fellow employers and the writings of management theorists, and make use of some human resource management techniques (Legge 1995; Blyton and Turnbull 1992; Van den Broek 1997) to embrace both inclusivist and exclusivist methods. Probably the most sophisticated strategy observed in Australia was that of CRA/Rio Tinto, which was devised and implemented over a period spanning over two decades. This strategy drew on the work on "stratified systems theory" (SST) by Elliot Jacques which, as Hearn Mackinnon argues, underwent fundamental changes in character towards a decollectivizing model. Hearn Mackinnon (1999: 7) writes: "Earlier organisational models of SST...—recognising the inherent dangers of unfettered managerial powers—included as essential requirements... an 'employee representation system' or 'Works Committee,' as well as the legitimacy of trade union representatives... It transpired during his years of collaboration with senior managers at CRA that employee representation was deleted from the principles of SST. Despite such a major alteration to his organisational model... Jacques... is silent on these glaring omissions." Instead, Jacques' work now provides "justification for interference-free managerial prerogative" (Waring 2000: 74).

Having identified the two dimensions of decollectivist methods, let us examine the various methods in more detail. What techniques fall under each of the categories represented by the nine cells in Figure 1? This article looks at each cell seriatim. The emphasis in the resultant taxonomy is in developing an understanding of types of employer decollectivist strategies, and in explaining how these can be used alone or in combination to advance a decollectivist strategy. As mentioned, it does not seek to explain why these strategies are adopted in the first place. In conceptualizing employer decollectivizing strategies, this article will examine several studies and court decisions. These concern firms that have sought to introduce individual contracts or other non-union instruments to a previously unionized workforce or have sought to prevent a workforce from unionizing (such as Van Den Broek's (1997) excellent study of the large service sector firm "Servo"). The primary focus of our research is Australian, where the common theme amongst decollectivizing firms has been individual contracts. These may be offered as certain types of common law contracts, or may take the form of "Australian Workplace Agreements" (AWAs), which are individual contracts that are formalized and registered under federal legislation in place since 1997, and that are regulated and promoted by the Office of the Employment Advocate.⁵ The Australian state, at least at the federal level, has sought to create one of the industrialized world's most favourable environments for decollectivist strategies through a combination of legislative and administrative arrangements. Australia's leading edge position is especially evident since the recent partial reversal of earlier legislative reforms in New Zealand and Britain, from where some evidence is drawn. Differing institutional arrangements between countries will affect the efficacy of various elements of these strategies, but one of the features of this model is that it provides a framework for assessing reform proposals in other countries as regards the impact on the propensity of employers to use decollectivist strategies.

EMPLOYMENT PRACTICES

It is convenient to use the real dimension as the initial organizing principle, and look at the symbolic dimension within that context. This sequence is not meant to privilege the real over the symbolic dimension. We start our examination of employer measures by focusing on employment

5. The federal jurisdiction accounts for over 40 per cent of employees in Australia. Several "State" (provincial) jurisdictions have also had variants of registered individual contracts (e.g. "Workplace Agreements" in Western Australia), though legislation in most States has stepped back from the strongly anti-union form taken in the early 1990s as Labor governments have taken control at that level.

practices. These encompass the status of employment and the conditions under which work takes place.

Exclusivist Employment Practices

An employer embarking on a decollectivist strategy might first engage in *redundancies*. First, redundancies create a climate of vulnerability in which employees will be more willing to accept individual contract offers and reject unionization (e.g., Bronfenbrenner 2001). Second, it provides the opportunity to the employer to rid itself of some union activists, either by deliberate targeting or by virtue of senior, more experienced activists taking advantage of service-related redundancy benefits. Thus, prior to offering individual contracts at its remote mine in Western Australia, resource giant BHP Iron Ore offered voluntary redundancies equating to a 23 per cent cut in staffing, which led to a disproportionate loss of activists (Burton and Tracey 2001), and which management saw as “once in a lifetime opportunity.”⁶ Union activists at CRA’s Bell Bay and Weipa operations were “a priority target” in retrenchment (Timo 1997: 343) and at Rio Tinto’s Hunter Valley No. 1 mine they made up a disproportionate share of retrenched workers (Waring 2000). Rio Tinto’s dismissals through redundancy of union activists at the Mount Thorley and Hunter Valley No. 1 coal mine were found to be “harsh, unjust and unreasonable.”⁷ The Australian Industrial Relations Commission (AIRC)—the key tribunal in the field—concluded that, at Blair Athol, Rio Tinto management, in a “conspiratorial allegiance,” created a “black list” of union members who had declined to sign AWAs and who were “singled out for termination.”⁸ In telecommunications, “award” (unionized) employees have allegedly been made redundant and replaced by AWA employees, sometimes in a different location (Jones 2001a). However, the most celebrated Australian instance of this occurred on the waterfront, where the Government and a key waterfront employer, Patrick Stevedores, sought in an alleged “conspiracy” to replace Patrick’s fully unionized workforce with non-union workers trained and employed by a separate company (PCS Stevedores). After a series of court cases, however, the unionists were reinstated and the non-union PCS employees dismissed (Lee 1998, Griffin and Svensen 1998).

6. *AWU v BHP Iron Ore* [2001] FCA 3, para. 139.

7. *J. G. Adam and others and Mount Thorley Operations Pty Ltd*, AIRC, 17 September 2001, Print PR909053; *B. J. Crawford and others and Coal and Allied Operations Pty Ltd*, AIRC, 9 July 2001, Print PR906250, para. 296.

8. *R. D. Smith and others and Pacific Coal Pty Ltd*, AIRC, 9 April 2001, Print PR902679.

An alternative, more radical approach that is sometimes seen is to enforce a major *change in the employment status* of unionized employees, through casualization, outsourcing and/or the privatization of organized work. For example, the Victorian ambulance service with a unionized, full-time workforce was privatized and contracted out, and the private operator then engaged all staff on a casual basis only (SSS 1999: 14). Employees were put on individual contracts and were unrepresented by the union, amid perceptions that union membership was “discouraged” (SSS 1999: 37). Telstra has been outsourcing activities such as call centres to partly-owned or fully-owned subsidiaries, and then purporting to exclude the employees concerned from award or agreement coverage,⁹ and only employ staff on individual contracts (Jones 2001a). In Dundon’s U.K. study (2001: 8) at Water Co “it was common for workers to be dismissed and re-employed a few weeks later to circumvent statutory employment rights. If the idea of union representation was discussed...they were simply not invited back, according to the Managing Director.”

Once contracts are offered, a decollectivizing firm has other exclusivist methods to remove employees retaining collectivist orientations—and to demonstrate that resistance is futile. The crudest approach involves simply *dismissing* those who join or remain in a union. As one of the U.K. workers interviewed by Dundon (2001: 10) commented: “we’ve been told that even if we mention the union, then the job centre is down the street, turn left.” Alternatively, in already unionized workplaces, activists may be dismissed (Farber 1990; Smith and Morton 1993: 110). Management at one U.K. firm studied “illegally dismissed a steward and commented the price to pay at an employment tribunal was well worth it” (Dundon 2001: 9). But generally, while this is an option for an employer that is already union free and has a high degree of workplace control, it can be too contentious for a deunionizing firm.

So a deunionizing employer may instead use *discrimination* to pressure unionists either to accept the company’s terms or to resign their employment, and simultaneously make an example of them to the other employees, providing an unambiguously exclusivist message. This might take the form of their being given unfavourable shifts (Dannin 1997: 242) or menial tasks, reassigned (Lawler 1990: 26) or subject to “covert” campaigns (Levitt 1993: 2). CRA’s approach had included identifying employees who were strong unionists and tagging them as “troublemakers” and “poor performers” (Timo 1997: 342). At Rio Tinto’s Blair Athol mine,

9. *CPSU, Community and Public Sector Union v Stellar Call Centres Pty Ltd* [1999] FCA 1224 (3 September 1999) (http://www.austlii.edu.au/au/cases/cth/federal_ct/1999/1224.html acc15/10/01).

management “went about demeaning” those targeted for termination; for example they were “allocated menial tasks such as chipping weeds with a hoe rather than using a weedicide as was normally the practice... and painting tyres with a broom as opposed to spray painting which was the normal practice.” The “strategy” which, according to the AIRC “could be likened to blood sport, was designed to force (unionists) to accept the redundancy package.”¹⁰ At BHP Iron Ore, unionized work crews were disbanded, “forced roster changes announced at the drop of a hat” and a “no tolerance” policy was shown to those who did not sign individual contracts (Ellem 2001). Telecommunications giant Telstra was fined after its employment relations manager instructed senior managers to treat workers employed under individual contracts more favourably than unionized “award” employees, and warned the managers that they would be held accountable for upholding Telstra’s preferred model of individual contract employment.¹¹

Inclusivist Employment Practices

At the other extreme, and usually at the same time, the decollectivist employer will also engage in employment practices with unambiguously inclusivist messages. The introduction of individual contracts is often associated with *enhanced standardization of other terms and conditions of employment* (Brown et al. 1998) through the device of “staff employment.” As one HR manager said, this “backs the notion that we’re all one workforce” (quoted in Waring 2000: 322). Without it, the inequality of conditions would jar against corporate rhetoric about trust and a new close relationship between management and employees. It would emphasize the difference in power between management and employee that unions seek to ameliorate. While it might seem paradoxical that decollectivizing firms would simultaneously standardize non-wage conditions but increase variability in wages (discussed below), the two actions are actually consistent in meeting the symbolic requirements for employment practices in decollectivizing firms.

Dual Inclusivist and Exclusivist Employment Practices

Clearly, at the heart of a sophisticated decollectivist strategy, particularly in Australia, the U.K. and New Zealand, is the *offering of individual*

10. *R. D. Smith and others and Pacific Coal Pty Ltd*, AIRC, 9 April 2001, Print PR902679.

11. *Community and Public Sector Union v Telstra Corporation Ltd* [2001] FCA 267 (21 March 2001), para. 16. (http://www.austlii.edu.au/au/cases/cth/federal_ct/2001/267.html acc. 15/10/01).

contracts—in the Australian case formalized through AWAs or similar state instruments. As explained by management consultants World Competitive Practices, while reporting a case study, “AWAs are an important element in achieving management’s aim of a non-union workforce” (WCP 1999a: 26). The symbolism here is dualistic: if you sign, you are “in,” if you do not sign, you are “out.”

When contracts are offered to unionized workforces there may be an *inducement*, in effect a *non-union premium*, to “encourage employee acceptance” as employees “have less protection than in an arrangement which is regulated by a third party” (Hamberger 1995: 294; also Brown et al. 1998: 20). CRA used the offer of individual contracts containing significant pay increases, equivalent to 11 to 15 per cent or about \$7000 per annum, to induce a large majority of employees in several highly unionized workplaces to move from award coverage to “staff” status and resign union membership (Timo 1997: 343; Hearn Mackinnon 1996; McDonald and Timo 1996; Waring 2000).¹² BHP Iron Ore offered an apparent wage increase of up to \$20,000,¹³ including the payout of unused sick leave and other incentives (Ellem 2001; Burton and Tracey 2001). The Community and Public Sector Union (CPSU) claims to have represented many Telstra employees who have been told that their jobs will be reclassified upwards if they sign an individual contract—and conversely that signing a contract is the only way to obtain a promotion (Jones 2001a). Still, not all non-union premiums are generous. That offered by the Commonwealth Bank (one of Australia’s four major banks) was only equal to that rejected by the Finance Sector Union (FSU) in negotiations (3.25 per cent annualized).¹⁴ As with other individual contract offers, this also involved significant changes in other conditions of employment,¹⁵ and it was questionable whether employees would be better off after accepting individual contracts.

Typically associated with decollectivism is greater variability of pay through individual-based *performance-related* pay (Brown et al. 1998) linked to a form of performance appraisal. This is for three key reasons. First, there are financial advantages in tying pay to individual performance and transferring risk from shareholders to employees while motivating work effort. Second, it reinforces managerial prerogative and minimizes the potential role of unions in wage determination. Third, performance

12. See also *Aluminium Industry (Comalco Bell Bay Companies) Award 1983*: Decision, AIRC, 8 December 1994, Print L7449.

13. Partly offset by loss of overtime pay (Ellem 2001).

14. *FSU v Comm Bank* [2000] FCA 1372, para. 22.

15. *FSU v Comm Bank* [2000] FCA 1372, para. 64.

appraisal in a decollectivizing firm provides a dualistic inclusivist (reward) and exclusivist (punishment) symbolism and can, in the absence of checks and balances, be used to identify and target union sympathizers. Management at Blair Athol introduced a performance appraisal scheme which had “no procedural fairness or due process” and in which a group of unionists were denied “opportunities to perform work which would have provided an opportunity to have improved their... rating.” The AIRC observed “a bias which led to inconsistency in rating employees unless they fell into a certain mould that... represented among other things, being a non CFMEU member and/or a signatory to an AWA.” Performance appraisal at Hunter Valley No. 1 had in part relied on “involvement in union matters.”¹⁶

Employees in decollectivist firms with already low union membership rarely have the opportunity for AIRC protection from abuse of performance appraisal. At Servo, one employee who complained about working conditions in his area was threatened with a 50 per cent cut in performance pay. Another employee who had “said things in the lift that were anti-big business” and had not taken the induction workshop “seriously enough” was given an extremely low rating and subsequently resigned. Employees were reluctant to appeal “for fear that it will leave them open to victimization” (Van den Broek 1997: 345).

In decollectivist firms, another employment practice takes on special significance: *recruitment and selection*, the simplest point at which to determine who is “in” and who is “out.” A threshold criterion is whether employees would sign a contract.¹⁷ In more sophisticated decollectivist firms selection is, as at Servo, based “on employee attitudes rather than technical skills.” There it was designed “to select employees most likely to aspire to company-defined goals and objectives” and avoid recruits with “cultural baggage” (Van den Broek 1997: 339–340). The situation in which it is easiest to apply selective recruitment and selection techniques is in a greenfield site.

Across employment practices as a whole, crude anti-union techniques will focus solely on exclusivist measures, such as dismissal of joiners. On the other hand, firms making use of HRM-based approaches, whose attitude towards unions may be more of indifference than hostility, may utilize inclusivist employment practices such as the standardization of employment conditions. A highly sophisticated decollectivist employer

16. *B. J. Crawford and others and Coal and Allied Operations Pty Ltd*, AIRC, 9 July 2001, Print PR906250, para. 291.

17. E.g. *AMWU v BHP Iron Ore et al.*, 2001 WAIRC 04082, para. 25 and final para. 5, re the stated policy and practice of BHP Iron Ore “to only employ new employees on... WPA” (individual contracts).

makes use of inclusivist, dual and exclusivist measures, may use some exclusivist measures (such as reassignment of activists) that a cruder union avoider would foresake in favour simply of dismissal, and targets various of those measures (such as performance-related pay) specifically to decollectivist purposes.

RELATIONAL METHODS

While employment practices define the terms and conditions under which people are employed, there are other aspects of the relationship between employee and employer that go beyond the work-effort bargain. These encompass such things as meetings, grievance procedures and participation programs, which can be grouped together under the heading “relational” measures. We include under this heading not only relations between employer and employee but also between employer and the employee’s (aspiring) representatives.

Decollectivizing employers will typically use a range of these relational measures. There may be exclusivist relational measures regarding interactions with unions, inclusivist relational measures aimed at emphasizing the integration of particular employees within the organization, and dualistic interactions (meetings) aimed at creating or reinforcing beliefs that in order to be “in” employees have to keep unions “out.”

Exclusivist Relational Measures

The simplest relational action of a decollectivizing employer is to restrict or *refuse union entry* to the workplace, documented in New Zealand (Kelsey 1997: 265; Dannin 1997: 223–224) and, in Australia, at BHP Iron Ore (Ellem 2001), the Commonwealth Bank,¹⁸ and Telstra,¹⁹ (especially at outsourced sites).²⁰ Other aggressive acts (Smith and Morton 1993: 105–106, 1994: 8) might include the threatened or actual removal of payroll deduction facilities (e.g., Telstra).²¹ More difficult, but more important for a decollectivizing employer, is to place barriers in the way of workplace union activists and delegates, evident at Hunter Valley No. 1,²² BHP Iron

18. *FSU v Comm Bank* [2000] FCA 1372, para. 14.

19. *CPSU v Telstra Corporation Ltd* [2000] FCA 1610 (13 November 2000) (<http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2000/1610.html> acc 15/10/01).

20. *CPSU v Telstra* [1999] FCA 1224 (3 September 1999), para. 25.

21. *CPSU v Telstra Corporation Ltd* [2000] FCA 1610 (13 November 2000).

22. *CFMEU v Coal and Allied Operations Pty Ltd* [1999] FCA 1531, paras 134, 136, 154, 164.

Ore²³ and Telstra.²⁴ They may reduce or remove union access to company resources or facilities (e.g., Telstra and Commonwealth Bank).²⁵ Firms may even intercept mail of suspected union sympathizers (Dundon 2001: 9).

Other behaviour might be elements of a negotiation strategy when the employer does not wish to negotiate with the union. For example, an employer wanting AWAs may lock out a unionized workforce seeking collective agreement coverage, as occurred in Victorian meatworks.²⁶ Legal action may be taken against the union—sometimes the endless actions, counter-actions and appeals that are facilitated by the Workplace Relations Act, sometimes something quite different, such as an extortion charge. And sometimes, as occurred on the BHP Iron Ore picket line in the hands of police (Ellem 2001), violence may erupt.

However, the decollectivizing employer's preference, evident in the U.K. and New Zealand, is to refuse to meaningfully negotiate (Kelsey 1997: 265; Dannin 1997: 216–217, 239; Brown et al. 1998: 34). In the U.S., a common tactic in decertification attempts (i.e., removing unions from the workplace) is to pursue negotiations “in such an aggressive or superficial manner as to preclude settlement” (Lawler 1990: 181). At Bell Bay, CRA refused to recognize any role for the union in representing employees in negotiating contracts or in post-contract dealings with the employer.²⁷ Employees who accepted individual contracts “had not had a wage increase since 1991, due to the breakdown of collective negotiations” (Timo 1997: 343). At Rio Tinto's Hunter Valley No. 1, the company used AWAs “as a strategic device to erode the collective negotiations that were continuing at the time” (Waring 2000: 320, 328). BHP Iron Ore told the unions there would be no wage increase in the next EBA,²⁸ delayed responding to union requests to set negotiation dates, decided to make a non-negotiable offer

23. *AWU v BHP Iron Ore* [2001] FCA 3, paras 90–94.

24. *CPSU v Telstra Corporation Ltd* [2000] FCA 1610 (13 November 2000).

25. *CPSU v Telstra Corporation Ltd* [2000] FCA 1610 (13 November 2000); *FSU v Comm Bank* [2000] FCA 1372, para. 14.

26. *Australasian Meat Industry Employees' Union v Peerless Holdings Pty Ltd* [2000] FCA 1047 (18 August 2000), <http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2000/1047.html> acc 19/10/01; *Australasian Meat Industry Employees' Union v G and K O'Connor Pty Ltd* [2000] FCA 1760 (5 December 2000)

27. While the law now requires firms to accept (but not negotiate with) any nominated bargaining agent in contract “negotiations,” none of the contractualizing employees in coal had made use of a bargaining agent (Waring 2000: 265).

28. Oddly, it managed to persuade the Court that at that time it was “seriously considering negotiating” with the union and that individual contracts were only a fallback option. *AWU v BHP Iron Ore* [2001] FCA 3, para. 100.

to the union, and in the end refused to take part in any negotiations.²⁹ The Commonwealth Bank refused to increase its EBA offer to the FSU, instead offering that pay increase via individual contracts.

Refusal to bargain is aimed at encouraging the signing of individual contracts in two ways. The first, exclusivist message is that the union appears ineffectual or even counterproductive: hence McDonald (1997: 40) refers to CRA's "prolonged campaign to undermine employee confidence" in the union, Timo points to Tiwai Point management's message that the union was delaying pay rises (Timo 1997: 342, 345) and Jones (2001b) talks of how, "when the credibility of the union relied on outcomes, Telstra's objective was to frustrate and obfuscate the outcomes." Second, this method ensures that the offer of individual contracts appears financially more attractive than maintaining a collectivist arrangement.

Inclusivist Relational Measures

Other relational measures may have inclusivist messages. Employers seeking to deunionize may sometimes seek to establish alternative, *non-union consultation, participation, communication or grievance resolution mechanisms* (e.g., Kelsey 1997: 265; Dannin 1997: 200 on New Zealand). In four U.K. cases studied by Dundon (2001: 8), "management derecognized the trade unions but in place they promoted their own form of employee involvement: company councils and semi-autonomous teams." This is what Willmott would describe as "the seductive doublethink of corporate culture: the simultaneous affirmation and negation of the condition of autonomy" (1993: 526). In two others, a series of worker participation schemes were implemented "to counter claims for collective representation" (Dundon 2001: 8). However, it may be difficult to get volunteers when they are not backed by a union structure or proper links to a constituency (Brown et al. 1998: 38–39). The establishment of internal grievance mechanisms that exclude any union role will unambiguously weaken a union. Hence individual contracts at CRA provided for a company-based process of review so that employees who perceive that they have been treated unfairly can appeal to the next management layer—but not to any external arbitrator (Timo 1997: 344–345).

The domain of inclusivist relational measures may extend beyond the realm of work into social activities. Dundon (2001: 11) points to "the use of fun, humour and games"—ranging from paying for social events to encouraging employees to come to work in fancy dress—as strong characteristics of non-unionism in four of his case studies, giving management

29. *AWU v BHP Iron Ore* [2001] FCA 3, paras 129, 160, 163, 166.

the chance to counter notions of collective representation “while not appearing to be the bad guy” (Dundon 2001: 11). Van den Broek (1997: 343) noted Servo’s use of social and recreational events and employees’ belief that actively participating “helped with getting you recognized.”

Dual Inclusivist and Exclusivist Relational Measures

Supervisors—the level of management with whom unionized employees have the most frequent and important interactions—are often targeted as key people to influence the behaviour and attitudes of rank and file employees (Levitt 1993: 2). Their function is dualistic: to emphasize that if employees wish to be “in” they need to sign contracts, and that if they do not sign they will be “out.” At CRA’s Bell Bay smelter, supervisors “were briefed as to the pro forma answers to be given to employees to encourage them to accept staff contracts” (Timo 1997: 342). In leadership training for supervisors (Timo 1997: 343), emphasis was given to demonstrating “the values of trust, honesty, fairness, dignity and love” (except, perhaps, towards employees who did not sign contracts). Similarly, at BHP Iron Ore, supervisors used one-on-one meetings to persuade employees to sign a contract (Burton and Tracy 2001). The same messages that employees receive through interactions with their supervisors may be reinforced in larger, group interactions. Servo had a monthly video address to employees, with awards, prizes and movie tickets (Van den Broek 1997: 338, 342). At BHP Iron Ore, a senior manager would hold meetings with ten or fifteen employees at a time, asking those who had not signed contracts why not and encouraging them to do so (Burton and Tracey 2001).

Often the decollectivizing company will put its managers and supervisors on registered individual contracts first. This has two symbolic purposes—to produce a demonstration effect on employees, and to reinforce the supervisors’ understanding of their subsequent mandate to sign people over to individual contracts. Telstra “rolled out AWAs to managers at Level 5 as one stage in a process designed to extend the roll out to employees at Level 6” (that is, the vast majority of employees, on collective agreements and with union coverage, WCP 1999b: 3). As management consultants World Competitive Practices noted, having 95 per cent of Telstra’s managers at Level 5 on AWAs was “seen as an ideal platform for introducing AWAs to the [unionized] Level 6 workforce” (WCP 1999b: 3). The Commonwealth Bank first offered AWAs to employees in its international banking division and to managers in 1997, at the start of negotiations for a new EBA. At the time, according to the Federal Court, a senior manager with the Bank said to the union “[i]n the medium or long-term future there will be no role for the FSU at the CBA.” Three years later, AWAs were offered

to almost all staff under “long standing plans to abandon collective employment deals.”³⁰

Inclusivist relational measures are directed at employees, exclusivist measures are directed against unions and employees who are sympathetic towards or representing them. With violence made problematic in most industrialized countries by the prospect of the intrusive eye of the television camera, even crude union avoiders have to find other relational methods, and again a sophisticated decollectivist will make use of a range of relational measures.

INFORMATIONAL METHODS

Orwell’s *1984* highlights the importance of information in maintaining the hegemony of the Party, and decollectivist employers recognize that selective use of information is critical to underpinning and clarifying the messages that are symbolized through relational measures and employment practices. So our final set of actions relate to the direct provision of information and the means by which that information may be transmitted, other than in the direct interactions between employee and supervisor/manager.

Inclusivist Informational Methods

In sophisticated decollectivist organizations, the information transmitted through induction and training is critical in creating the right organizational culture. At CRA, “employee value training sessions” covered topics such as “teamworking, better communication, effective leadership” (Timo 1997: 343). Servo employees underwent four weeks training, which included discussion about the firm’s corporate values and which culminated in a two day compulsory workshop to create “ownership” of corporate “vision and values,” described by one employee as “two days of propaganda” (Van den Broek 1997: 34). Corporate culturism’s approach “eliminates (through training) all other values” (Willmott 1993: 524, parentheses in original).

Exclusivist Informational Methods

The crudest form of exclusivist information is the *threat*. A firm may threaten to replace workers who decline to sign individual contracts—as Serco (an outsourced Australian rail hospitality provider and not to be

30. *FSU v Comm Bank* [2000] FCA 1372, para. 16–18, 26.

confused with Servo) tried.³¹ (When the AIRC then held a secret ballot of 141 Servo employees, and the vote was 81 to zero against signing individual contracts and in favour of a collective agreement, the company described the vote as “not too convincing”).³² Threats of redundancy—a potent weapon used by U.S. employers to resist unionization (Bronfenbrenner 2001)—were observed in New Zealand (Kelsey 1997: 265): “workers felt pressured to sign or face lay off” (Dannin 1997: 235).

Equally crude, as was mentioned earlier, are threats about the consequences of joining a union (Dundon 2001: 10). Sophisticated organizations may express these exclusivist messages in a different way: at Servo the corporate executive officer reportedly told employees that if you “feel the need to join a union then you should take a good look at your job... because you probably don’t need to be here” (Van den Broek 1997: 336). Other messages are less overtly confronting. According to the union, “when existing employees... sign AWAs with Telstra they are routinely told by management that it is no longer appropriate for them to be in the union” (Jones 2001a).

A different type of exclusivist measure is one where, rather than the message being about the union being excluded, the *message itself is excluded*. Decollectivist firms, principally those that already have non-union status, may seek to control inwards information to prevent undesirable thoughts from flourishing. In Britain, Purcell (1993: 522) cited the case of researcher Newell, who studied companies seeking to implement HRM policies but found that “many companies withdrew their cooperation from the research once she asked to interview their employees, or ‘members’ as they preferred to call them.” This author’s own research experience in Australia illuminated the reasons for such behaviour. A senior HR manager from Servo told me that he had declined to distribute an employee survey at Servo because it contained questions that referred to “bargaining.” The problem, he explained, was that “bargaining implies conflict” and it was therefore a term they did not want employees exposed to. These approaches were, of course, entirely consistent with the approach to informational control outlined in Van den Broek’s study of Servo. The excision of “bargaining” was reminiscent of the way in which, in Orwell’s 1984, the state aimed “to diminish the range of thought...by cutting the choice of words down to a minimum” (Orwell 1949: 242). Other decollectivist firms may seek to stifle public knowledge. Leading U.S. researcher Kate

31. *Australian Rail, Tram and Bus Industry Union v Great Southern Railway/Servo*, AIRC, Print PR901238, para. 10.

32. “Rail Workers Say No to AWAs,” *Workplace Express*, 5 November 2001, <http://www.workplaceexpress.com.au>.

Bronfenbrenner was unsuccessfully sued for defamation for providing testimony to a congressional town hall meeting on one firm's anti-union activities.³³

Dual Inclusivist and Exclusivist Informational Methods

The use of *language* is important in other ways. Servo, for example, used the term "associates" for what were, at law, employees (Van den Broek 1997: 340). The point, of course, of this seemingly inclusivist terminology was to shape their thinking towards a framework with its own internal logic and away from a framework in which they might seek to obtain the rights and collectivities associated with being an employee. It thus also provided a very subtle exclusivist message. Euphemisms like "associate" and "member" in place of "employee" help ensure, as Syme (the *newspeak* documenter in 1984) would say, that "the range of consciousness [becomes] always a little smaller" (Orwell 1949: 45). Even terms like "staff employment" and "direct relationship," referred to earlier, are meant to reshape orientations and consciousness.

Decollectivizing employers also use more explicit *propaganda*. Some may be ongoing, like Servo's monthly in-house magazine (Van den Broek 1997: 342). Other may be specific to a particular event or campaign. For example, in BHP Iron Ore's decollectivizing struggle, letters were mailed, a television campaign was run, a regular newsletter published and eventually videos were sent to the employees' homes (Ellem 2001; Burton and Tracey 2001)

In the U.S., where the incidence of illegal employer practices in opposing unionization appears to have increased (Farber 1990: 594), the use of deception in opposing unionization and reinforcing decollectivist relations is common. Levitt's team of U.S. union busters "routinely pried into workers" police records, personnel files, credit histories, medical records, and family lives in search of a weakness that we could use to discredit union activists. Once in a while a worker is impeccable.... I frequently launched rumours that the targeted worker was gay or was cheating on his wife. It was a very effective technique, particularly in blue collar towns" (Levitt 1993: 3).

Openly deceptive anti-union tactics in Australia would seem more constrained by the law. Nonetheless, in a decollectivizing firm, the "learning," as described in an internal BHP Iron Ore memorandum, is "play to

33. Cornell University, "Cornell official says dropped lawsuit against labor professor was attack on academic freedom and without merit," press release, 4 August 1998, http://www.news.cornell.edu/releases/Aug98/Beverly_drops_appeal.html

win rather than play fair.”³⁴ Here, we come to one of the contradictions of sophisticated decollectivist strategies—a unitarist corporate culture is ostensibly founded on complete trust by employees in the employer, yet decollectivizing employers might resort to open or subtle deception. For example, the AIRC pointed out that, in the spread of individual contracts through Bell Bay, CRA had “deliberately deceived” certain employees.³⁵ The Federal Court observed that the Commonwealth Bank had attempted to persuade employees to sign AWAs with statements about no loss of conditions that were “misleading, if not positively false.”³⁶

Indeed, a term developed by William Lutz, *doublespeak*, aptly describes one element of sophisticated decollectivist strategies: the organization’s denial that it wishes to stand in the way of employees’ right to join a union. Doublespeak is “incongruity between what is said or left unsaid and what really is” (Lutz 1997: 21, quoted in Pagrazio). The term is in turn an amalgam of two terms used by Orwell, *doublethink*—the power of holding two contradictory beliefs in one’s mind simultaneously, and accepting both of them (Orwell 1949: 171), and *newspeak*—the official language of Oceania.

Thus while CRA made it clear to employees that it was in “competition” with the union for their loyalties, and by implication that it wanted employees to turn to the employer and away from the union, it simultaneously said that they have a “free choice” (Davis 1995). However, those who did not sign contracts “were cast as preferring alternative loyalties” (Timo 1997: 343). Likewise, Commonwealth Bank management “denied that it was ever the intention of the bank that employees who accepted an [AWA] should leave the union” yet said that it “did not know what role the union would have for employees once they signed contracts which meant future negotiations would be between an individual worker and a manager.”³⁷ Van den Broek found that while Servo management “variously states that union membership is a private matter between the employee and the union, expressing an interest in union affairs is not viewed favourably by Servo management” (Van den Broek 1997: 336–337).

Thus employees should simultaneously hold the belief that the company gives them complete freedom of choice in union membership, but that it does not want them to make use of a union. It is, as McCallum (2000)

34. *AWU v BHP Iron Ore* [2001] FCA 3, para. 104.

35. *Aluminium Industry (Comalco Bell Bay Companies) Award 1983*: Decision, AIRC, 8 December 1994, Print L7449.

36. *FSU v Comm Bank* [2000] FCA 1372, paras 63–65.

37. *FSU v Comm Bank* [2000] FCA 1372, paras 26, 47.

says, “akin to saying that freedom of religion protects the right to be a member of a church, but not the right to practice the faith through attending religious worship and related ceremonies.”

Claims by decollectivizing firms that they are not engaged in a battle with trade unions over union membership, that employees are free to decide whether to belong, are reminiscent of the third slogan of 1984’s Ministry of Truth.³⁸

WAR IS PEACE

Admissions such as those by an HR manager in a coal mine that individual contracts in the industry are used “to break the nexus with the past and to deal out the union” (quoted in Waring 2000: 217) are rare, even to researchers. Such confessions would not normally be made by companies seeking to remove unions, lest they find their way into the public domain, in case their contracts are found to be in breach of freedom of association provisions under Australian federal legislation.

Thus BHP Iron Ore management was able to convince the Federal Court that: it was not concerned with whether its employees belonged to a union; it did not even know that in CRA’s Hamersley Iron operation (with whom BHP Iron Ore had had due diligence investigations in the process of merger discussions) union membership had dramatically fallen after the introduction of individual contracts (even though this had long been public knowledge³⁹); and, for the one manager who admitted he knew that union membership had fallen at Hamersley *after* the introduction of individual contracts, that he did not know that it was *because* of the introduction of individual contacts.⁴⁰ The audience for doublespeak is not only the organization’s employees, it is also the courts and public opinion. The organization’s management must present a united front in which their actions are nobly motivated and any effect on union membership is entirely coincidental. When this front breaks down—as occurred in Rio Tinto’s attempts to retrench union activists at Blair Athol, where management evidence was “inconsistent and contradictory” and Hunter Valley No. 1, where only a “whistle blower” witness revealed the existence of the “black list”—the consequences for a decollectivist strategy can be quite severe. The problem for the tribunals and the courts, of course, is to see behind this veil and examine the totality of what a decollectivizing management does, not what it says are its motives. For employees, despite the *doublethink* that

38. I use the same style in presenting the slogan as Orwell used throughout 1984.

39. E.g., Hearn Mackinnon 1997

40. *AWU v BHP Iron Ore* [2001] FCA 3, paras 178–190, 221–3.

might be involved in reconciling some of the conflicting messages, the underlying theme from the firm’s actions is not obscure.

FIGURE 2
Outputs from Decollectivist Strategies: Examples

Real Dimension	<i>Employment Practices</i>	Retrenchments and layoffs. Casualization, outsourcing, privatization of organized work. Dismissal of joiners. Reassignment and discrimination against non-signers. Reassignment or dismissal of union activists.	Offer of formalized contracts. Offer of non-union premium. Performance-based pay linked to performance appraisal. Recruitment/selection screening. Sign individual contract as condition of hiring.	Standardize conditions of employment.
	<i>Relational</i>	Delay or refuse to negotiate with union. Restrict or refuse entry to organizers. Restrict or prevent workplace delegates undertaking delegate duties. Lock out. Legal action. Violence.	Supervisors and middle managers as change agents. Individual employee-supervisor meetings. Group meetings.	Alternative communication and grievance mechanisms. Apparent employee involvement/participation programs. Social events.
	<i>Informational</i>	Control of inwards information. Threat of closure/layoffs. Threat to dismiss joiners. Anti-union messages (unnecessary/harmful).	Ongoing pro-corporate propaganda. Specific propaganda (written, video). Doublespeak.	Induction.
		<i>Exclusivist</i>	<i>Dual Inclusionist / Exclusivist</i>	<i>Inclusionist</i>
Symbolic Dimension				

CONCLUSION

Decollectivist strategies take on many forms, ranging from crude to highly sophisticated strategies making careful use of particular HRM techniques. Each action of a decollectivizing employer—be it in the realm of employment practices, information or relational actions—has both real and symbolic dimensions that may be inclusionist, exclusivist or both. Inclusionist actions seeks to increase employee commitment to the organization. Exclusivist measures seek to encourage distancing and separation from the organization of unions and those people whose values are inconsistent with those of the organization. The combinations of inclusionist and exclusivist measures and relational, informational and employment practice approaches are shown in Figure 2.

Taken in isolation and in other contexts, some of the inclusivist measures may be quite innocuous. The existence of employee participation schemes as such is not an anti-union measure. In the U.S., employee involvement schemes are more common in unionized than non-union workplaces (Freeman and Rogers 1999: 115) and works councils have strengthened the position of unions in several countries (Archer 1995). There is even a positive relationship between the cluster of “high commitment” practices and unionism in the U.K. (Cully et al. 1999: 111). Many unionized organizations with no intentions to decollectivize have performance-based pay or profit-sharing schemes, some negotiated with unions, but usually with checks and balances in place. These arrangements have to be seen in their context: employee participation arrangements may be used to further the aims and ideals of unionism (including greater employee control over their work) when unions are involved or integrated in their development and/or operation.⁴¹ But when decollectivist employers establish them as an alternative to union influence, and do so while putting in place barriers to unionism and exclusivist messages about unionism, the impact is quite the opposite.

The real and symbolic dimensions of each action of a decollectivizing employer work together to enable the employer to determine who is and is not suitable to work for them, to mould the attitudes of those who are fit to stay or fit to be recruited, and to dispose of those who are not fit to stay. The most sophisticated decollectivizing strategies make use of many such measures and simultaneously generate inclusivist and exclusivist symbolism, the underlying message being that the union, and its adherents—those who decline to sign individual contracts are “out” and that “loyal” employees are “in”—incorporated into the organization, into a new collective identity. In Australia, we see the emergence of a highly sophisticated decollectivizing strategy that originated with CRA but which, through class-related linkages, is being disseminated to a wider audience of key employers. The precise combination of strategies will vary according to: how crude or sophisticated the employer strategy is; whether they are a union avoider or deunionizer; and just how far the employer is willing to go.

Some policy implications can also be drawn. Proposals in any nation for industrial relations reforms need to be assessed in terms of their im-

41. Consistent with this, many (but not all) studies show positive correlations between commitment to the employer and commitment to the union (e.g., Angle and Perry 1986; Magenau, Martin and Peterson 1988; Bamburger, Kluger and Suchard 1999; Snape and Chan 2000) though there are exceptions, especially when relations are poor (Iverson and Kuruvilla 1992). Unionized employees who were satisfied with their scope for involvement were more likely to have high commitment to both union and employer (Guest and Dewe 1991).

pact on employers' capacity to implement decollectivist strategies. In the end, such strategies run counter to the notions of freedom of association and the right to collective bargaining embodied in International Labour Organization Conventions 87 and 98 and the Universal Declaration of Human Rights. This inconsistency with freedom of association principles is why doublespeak is sometimes so critical to decollectivist strategy. It is also why such issues as good faith bargaining, discrimination, casualization and rights of entry need to be carefully considered in the context of freedom of association principles.

In the modern world of international football (soccer), Oceania refers to that part of the world encompassing Australia, New Zealand and the South Pacific island states. In the fictional world of Orwell's *1984*, Oceania is the name given to the mega-nation over which Big Brother rules. Coincidentally, some of the sophisticated strategies of decollectivizing employers, which have analogies with the sophisticated strategies of the state in *1984*, are evident amongst employer behaviour in modern Oceania. Yet there are, as Willmott (1993: 535) would point out, many limits to such analogies. The pervasiveness and violence of the Ministry of Love cannot be compared with the control exercised in decollectivizing firms. And "unlike the fictional world of Oceania, corporate employees are exposed to, and constituted by, other relations and discourses" (Willmott 1993: 535) as they have a life outside the organization. Thus dissent can grow in decollectivizing firms, just as it can grow in dictatorial states. While the sophisticated decollectivizer seeks to create a particular culture, this "is not a variable that can be created, discovered or destroyed by the whims of management," even though "some are in a better position than others to attempt to intentionally influence aspects of it." (Meek 1988). "At the very best," concluded Ogbonna (1992), "many attempts to change culture are only successful at the overt, behavioural level." Thus, while redundancies and job insecurity may enable an organization to remove activists and encourage recognition of the need to sign or resign, it also creates the conditions that can encourage orientation to employee-focused collective action. The contradiction between the unitarist rhetoric of trust and many exclusivist actions of management provides potential fuel for discontent—few employees can discipline themselves to true *doublethink*. Despite CRA's earlier rolling successes across metalliferous mining and smelting, its new form has found the introduction of individual contacts in coal a much more difficult exercise. The Commonwealth Bank, facing a court battle, settled a two-year EBA with the FSU and abandoned, for a while, the push to AWAs. Despite major losses in the outsourced businesses, the Telstra unions retain a presence in the core of the company. Perhaps most notably, only around half of BHP Iron Ore's targeted employees have signed contracts. While unions have used court and tribunal actions (sometimes

only buying time), these outcomes arise mainly from more effective union organization. Union success has arisen from countering the exclusivist messages of the decollectivists, demonstrating by their actions that unions do make a difference and generating unions' own inclusivist agenda based around democratic principles that emphasize to employees that not only are they part of a collective known as union—they *are* the union. This can be the most powerful inclusive message of all.

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RÉSUMÉ

Les stratégies de « décollectivisation » en Océanie

Sous la bannière du « décollectivisme », nous regroupons un ensemble de pratiques chez les employeurs visant à bannir l'appartenance à un syndicat des lieux de travail syndiqués, à réduire l'influence des syndicats de

sorte qu'ils ne soient plus reconnus pour fins de négociation collective ou à maintenir le caractère non syndiqué d'une entreprise. Un modèle cohérent de « décollectivisme » est apparu en Australie : des stratégies d'abord élaborées dans l'industrie de l'extraction du minerai métallifère et de la fonte ont été modifiées de façon à convenir à une gamme d'industries.

Toute action entreprise par un employeur pour éliminer le collectivisme comporte deux dimensions : une réelle et une symbolique. La première dimension réside dans la manifestation ouverte de l'action : s'agit-il d'une information ? S'agit-il de quelque chose qui entretient un lien avec les rapports entre les parties, c'est-à-dire quelque chose qui concerne les relations entre employeurs et employés, entre l'employeur et le syndicat, ou entre le syndicat et les employés ? S'agit-il d'une pratique liée à l'emploi, c'est-à-dire quelque chose qui touche aux conditions d'exécution du travail ? La seconde dimension, la dimension symbolique, réside dans le sens qu'on accorde à l'action, qui transmet à une audience cible un aspect de la relation entre une partie et l'employeur. Le message qu'elle communique ainsi peut être soit global, c'est-à-dire faire sentir aux employés qu'ils font partie intégrante de l'organisation, ou soit sélectif en indiquant que des employés en particulier, que des types de comportements ou que les syndicats eux-mêmes ne sont pas désirés. Le symbolisme associé à des gestes sophistiqués de bannissement du collectivisme vise à façonner le sentiment d'appartenance, à éloigner et à transformer la mentalité collectiviste, de façon qu'ils se perçoivent eux-mêmes comme membres non pas d'une collectivité centrée sur l'employé, un syndicat par exemple, mais plutôt comme ceux d'une collectivité centrée sur l'employeur, par exemple l'organisation. Ce symbolisme par conséquent cherche aussi à façonner les groupes de référence auxquels les employés s'associent, loin des concepts plus vastes d'occupation ou de classe sociale ; il vise également à réduire les visions fondées sur l'environnement immédiat du travail et de celui de leur organisation.

Pour être plus précis, ajoutons que des pratiques de gestion exclusives incluent les mises à pied et les réductions de postes ; la précarisation ; la sous-traitance et la privatisation du travail syndiqué ; le licenciement de ceux qui se joignent à un syndicat ; la réaffectation de ceux qui n'y adhèrent pas ; la réaffectation ou le congédiement des activistes syndicaux. Des pratiques de gestion inclusives comprennent la standardisation des conditions de travail. Les pratiques doubles, i.e. à la fois inclusives et exclusives comprennent l'offre de contrats individuels de travail formels ; l'offre d'un bonus de non-adhésion ; le recours à la rémunération au rendement basée sur une appréciation de la performance ; le recrutement ciblé et le tamisage en sélection ; enfin, l'imposition d'exigences dont la signature de contrats d'emploi pour les nouveaux employés comme condition d'embauche.

Des mesures relationnelles exclusives consistent à retarder ou à refuser la négociation avec un syndicat ; à restreindre ou à empêcher l'entrée aux organisateurs ; à limiter le travail des délégués syndicaux ou à les empêcher d'assumer leurs responsabilités, à déclencher un lock-out ; à entreprendre une poursuite contre les syndicats et à utiliser la violence. Des mesures relationnelles inclusives incluent : la mise sur pied de mécanismes de communication et de règlement de griefs alternatifs ; le recours à des programmes de pseudo-implication ou de participation ; l'utilisation des rencontres sociales. Des mesures relationnelles doubles comprennent l'emploi des superviseurs et de la direction intermédiaire comme agents de changement, la tenue de rencontres entre le superviseur et ses employés sur une base individuelle et également des rencontres de groupes.

Des mesures informationnelles exclusives consistent dans un contrôle de l'information originant de l'intérieur ; la communication de menaces de fermeture ou de mises à pied ; la menace de licencier ceux qui adhèrent au syndicat ; l'emploi de messages anti-syndicaux à l'effet que les syndicats ne sont pas nécessaires et sont destructifs. Des mesures informationnelles inclusives consistent en l'apport de preuves, alors que des mesures doubles incluent l'emploi de la propagande et du double discours.

Chaque stratégie de réduction de la mentalité collectiviste ne contiendra pas nécessairement chacune des méthodes décrites, il n'est pas dit non plus qu'elle obtiendra du succès. Des stratégies de destruction de la mentalité collectiviste vont des méthodes les plus simples, les plus brutes, aux méthodes hautement sophistiquées. Au premier bout du continuum, les stratégies simples et instinctives vont se centrer sur des approches exclusives. À l'autre, d'autres approches plus sophistiquées vont accorder une attention à l'avis des collègues-employeurs, aux écrits des théoriciens de la gestion et vont recourir à quelques techniques de gestion des ressources humaines de façon à englober à la fois des méthodes inclusives et exclusives.

Dans le monde moderne du soccer, l'Océanie renvoie à cette partie du monde qui englobe l'Australie, la Nouvelle-Zélande et les États des îles du Pacifique Sud. Dans le monde virtuel d'Orwell *1984*, l'Océanie est le nom qu'on a donné à la super-nation sur laquelle règne le « Grand Frère ». Par pure coïncidence, quelques stratégies sophistiquées adoptées par les employeurs dans leur tentative d'éradication de la mentalité collectiviste, qui entretiennent des liens étroits avec les stratégies sophistiquées de l'État dans l'ouvrage *1984*, se manifestent dans le comportement des employeurs dans l'Océanie contemporaine. Cependant, ces analogies comportent quelques limites. L'étendue et la violence du Ministère de l'Amour n'entretiennent aucune comparaison avec le contrôle exercé par les entreprises qui pratiquent l'élimination de la mentalité collectiviste et les salariés en dehors de leur entreprise mènent quand même une vie personnelle. Alors,

on voit le désaccord s'accroître dans les entreprises qui cherchent à se débarrasser de la mentalité collectiviste. Alors que les redondances et l'insécurité d'emploi peuvent aider une entreprise à éliminer les activistes et à mousser la reconnaissance d'un besoin d'adhérer ou de refuser, elle peut aussi initier des conditions qui encouragent une action collective centrée sur les salariés. Des succès récents en Australie originèrent de l'action d'endiguer les messages sélectifs des « décollectivistes », en démontrant par leurs gestes que les syndicats font toute la différence et en introduisant leur propre agenda syndical à caractère englobant, fondé sur des principes démocratiques cherchant à convaincre les employés que non seulement ils font parti d'une action collective, mais qu'ils sont effectivement un syndicat. C'est là le message le plus globalisant et le plus puissant.