

## Introduction

The issue of labour market dualisation has become central for industrial relations over the last decade, especially in Europe (e.g. Emmenegger, 2014; Prosser, 2018). While divisions within the working class have always been known, recent developments have made them more manifest: uneven effects of the economic crisis, urban riots, protest votes, new social movements have questioned the capacity of western societies to provide representation and expression channels for the social groups that feel most affected by economic uncertainty. Consequently unions have developed a variety of revitalization strategies to face issues of uneven representation, and in particular the unionization gaps between groups of the workforce (Doellgast et al., 2018; Grimshaw et al., 2016; Keune, 2013; Keune and Pedaci, 2019). At the same time, new actors have emerged to represent precarious workers, with a variety of relations (collaborative, competitive etc.) with traditional trade unions. Interestingly, we note that alongside these new forms of representation, governments and employers have increasingly used the argument that their own policies and practices are in the real interests of outsiders.

This article provides theoretical reflection on the widely encountered claim that dualisation derives from uneven representation in trade unions and policy making of disadvantaged groups (outsiders) in comparison to insiders (Palier and Thelen, 2010). It identifies an insufficient theorisation of the concept of representation in the existing debates on insiders and outsiders. By applying reflections from political sociology and political philosophy, and in particular Saward's (2010) concept of the 'representative claim', we explain the rise of concerns about dualisation and the 'representation of the unrepresented' across disparate employment and industrial relations regimes. The interpretative and analytical gains of studying representative claims with regard to marginal categories of workers is then illustrated through examples mainly from across Europe, and looking more closely at the three labour markets of the UK, Germany and Italy (chosen for their diversity and size), showing how heterogeneous claims have emerged and co-evolved in the last decade.

## Labour market dualisation and representation

Issues of labour market dualization and precariousness have been discussed since the 1970s, but become more prominent following the crisis of 2008 (Kalleberg, 2018, Emmenegger et al., 2012, Standing, 2011, Thelen, 2014). Divides in the labour market in terms of vulnerability are increasingly manifest, especially in Europe, where the status of employee has been protected by a long history of industrial citizenship (Streeck, 1987; Castel, 1995) and workers on atypical contracts (agency workers, zero-hour contracts etc.) have suffered disproportionately from the recent economic crisis. Standing (2011) has called this group a new class, the 'Precariat', distinct from the core 'Salarariat'. In policy, the European labour market is increasingly portrayed as divided between insiders and outsiders. In the words of the European Central Bank's President, Mario Draghi (11<sup>th</sup> March 2016):

In many countries the labour market is set up to protect older 'insiders' – people with permanent, high-paid contracts and shielded by strong labour laws. The side-effect is that young people are stuck with lower-paid, temporary contracts and get fired first in crisis times.

While there is a broad consensus on the existence of a labour market divide, opinions differ deeply on the causes and, relatedly, the solutions. Within a diverse and fluid debate, we distinguish three different broad analytical approaches which make different assumptions on the role of representation in the emergence of labour market division. For reasons of focus we do not include here accounts of labour market dualisation which find explanations on the supply side (e.g. gender and ethnic approaches) because, while making important contributions to the understanding of specific forms of inequality in the labour market and in organisations, they do not provide generally applicable arguments on the role of representation.

Segmentation theory emerged in the 1970s and is employer-centred in its explanatory construct (Doeringer and Piore, 1971). The theory stipulates that, when industrial change shifts the focus of comparative advantage to flexibility and rapid market adaptation, employers respond by segmenting their workforces creating a protected, committed core and a flexible, disposable periphery. Segmentation is thus expected to be strongest where industrial change is faster and, in particular, where employers have more discretionary power to determine terms and conditions of employment. Conversely, strong employment protection legislation and powerful, encompassing trade unions, by restraining employer freedom, should limit dualization by enforcing equal treatment and more security across all sections of the labour market. This argument converges with that of power resource theory, according to which labour political power leads to more egalitarian outcomes (Korpi, 1983).

Insider-outsider theories became more prominent from the 1990s onwards and, while superficially sharing some similarities with segmentation theory, make opposite predictions. Most specifically, the politics-based version elaborated by Rueda (2007) stipulates that social-democratic governments prioritize the interests of labour market insiders, and notably those represented by trade unions whose support is electorally crucial. While increasing protection for the insiders, they reduce employment opportunities for the outsiders, by depressing labour market demand and constraining the flows between employment and unemployment. Even if the proponents of this theory are keen on avoiding determinism in political preferences (Lindvall and Rueda, 2014), the underlying prediction is that where social-democratic parties – and by extension, trade unions – are strongest, the insider-outsider divide will be sharper. This interpretation has been increasingly endorsed by international economic organizations including the OECD (2010) and European Commission (2010).

Between these approaches we can find a range of institutionalist arguments focusing on more nuanced political factors, especially institutionalized rules, rather than simple party politics. Whereas institutional scholars may disagree on a number of evaluations and explanations, the majority associate labour market problems such as segmentation with ‘hybrid’ institutional settings that fail to develop clear comparative advantages. In contrast to both segmentation theories that blame excessive employer freedom, and insider-outsider theorists that blame excessive trade union power, institutionalist analyses have generally identified the mid-way cases as the worst situations, where institutions are strong enough to protect *some* workers, but too weak to protect all (Calmfors-Driffill, 1988; Hall and Soskice, 2001). Institutional contributions interestingly concur that more mixed institutional settings produce sub-optimal results in comparison to the more neoliberal ones, which at least foster high employment rates for most people, and social-democratic ones, which provide better job quality for more people (Crouch, 2015; Thelen, 2014). A specific argument in support of this prediction has been provided by Palier and Thelen (2010), according to whom trade unions do try to defend all workers, but when they start losing power have to retreat to the defence of the core as a least-worst option.

The approaches discussed above differ in their policy recommendations and in their predictions of how labour markets react to regulation, and in particular to union representation and collective bargaining. Although a large literature is emerging on testing such predictions (Benassi and Vlandas 2016; Benassi et al., 2016; Keune, 2013; Emmenegger et al., 2012; Prosser, 2015; Advagic, 2015; Fervers and Schwander, 2015; Thelen, 2014), the conceptual aspect of representation has received little to no attention. The question which has not been considered is whether, and in what sense, trade unions represent all workers (as generally assumed by segmentation scholars), only the insiders (as argued by insider-outsider theorists), or the insiders directly, and the outsiders only when convenient, as implicit in most institutionalist arguments?

Most approaches tend to have rather rigid assumptions with regard to the preferences and representation of actors and groups, whether employers, insiders and outsiders, or demographic groups. Yet it is empirically questionable whether insiders and outsiders see themselves as such, or, in other words, whether the Precariat is a ‘class for itself’ in addition to an emerging ‘class in itself’ (Standing, 2011). In the USA, Milkman and Ott (2014) have detected complex and ambivalent relations between, on the one hand, traditional union organizing and, on the other, workers’ centres, indicating a deep heterogeneity in the ‘Precariat’.

To address the question of the link between representation and dualisation, a reflection on the meaning of ‘representation’ is needed. Despite the well-known differences in systems of employee representation, labour market institutions, and performance among countries, the issue of uneven representation of labour market outsiders has emerged everywhere, even in the most ‘encompassing’ trade union systems such as in Scandinavia. It is clear, therefore, that putting aside institutional and political economy issues, there is some underlying tension in the practice of representation itself. It is to this that we now turn.

### **Problematizing representation: the dialectic nature of representative claims**

The idea of representation of interests is a central tenet of industrial relations given the complexity, asymmetry and indeterminacy of work relations. In this context, the need for collective organisation to express and channel employment disputes is central. And yet, only rarely has ‘representation’ been at the forefront of industrial relations reflection. The main contributions have come from investigations of the practice of representation across countries (Hege and Dufour, 2013) and, increasingly, from the perspective of employee voice (Wilkinson et al., 2015). But even in these contributions, employee representation (by trade unions, works councils, new actors) has mostly been understood through the lens of legal and negotiating representation, where the represented issues have a specific mandate such as solving a grievance or bargaining over pay. Yet many industrial relations issues – including, but not limited to, labour market dualisation - are complex, continuous political issues rather than time-limited and specific. Crucially from the perspective of dualisation, they involve the (re)formulation of employee interests and their operationalisation as bargaining objectives and priorities, which requires internal (implicit or explicit) mediation among the interests of different constituencies. Hence, the need to conceive representation in a more political, rather than legal, sense. This in turn can help understand in what sense precarious workers may not be represented: not organized, not defined, not actively defended?

A political reflection on representation is all the more timely as it is representative democracy more generally, and not only industrial relations, that has been put into question with increasing vigour in the last two decades. Within this context, political scientist Michael Saward (2010) has proposed a more dialectic and dynamic approach to representation than the traditional, mechanical one that tends to be employed in politics and in industrial relations. The mechanical approach emphasising the ‘substantive acting for others’ (Pitkin, 1969) is problematic in many ways. It assumes the pre-existence and unproblematic pre-definition of the ‘others’. But no constituency’s (whether nation, society, social class, citizenry...) character and interests can be taken as given without a previous process of political definition. A mechanical approach also neglects the ongoing, always problematic, dialectic between representative and represented. Finally, it focuses only on the mechanical enactment of specific institutional practices, notably elections, to the exclusion of forms of representation that are not elected. This is particularly important in industrial relations where elections, while common practice, are not universal and are rarely the central source of representativeness and legitimacy (see for instance ‘closed shop’ traditions, or the ‘presumed representativity’ by decree of French trade unions between 1945 and 2008). Such focus ignores the symbolic, cultural aesthetic dimensions that makes representation understandable and legitimate. After all, the etymological sense of ‘representation’ comes from the arts (figurative and performative), in the sense of ‘making present’ something that is not present, through impression.

The alternative proposal by Saward focuses on the dynamic process of claim-making as constitutive of representation. This includes the dialectic between representative and represented, and allows for the understanding of non-elective forms of representation such as ‘surrogate representation’ (Mansbridge, 2003), whereby representatives bring in interests and perspectives that are technically outside their formal territorial representation (e.g. ethnic or sexual minority representatives, claiming to represent the views of all of those minorities beyond their electoral districts). In industrial relations, this is illustrated by another French example where union ‘mandated delegates’ undertake

negotiations in non-unionized workplaces. It is particularly relevant in the case of union activities on behalf of atypical (and rarely unionized) workers.

Non-elective claims may draw on three main arguments (Saward, 2010: 95): deeper roots (e.g. representatives claiming affinity and deep familiarity with specific groups), expertise and special credentials (the claim most used by established trade unions), and wider interests and new voices (the claim generally made by new actors, such as alternative trade unions, but also by anti-union sides). The debate on ‘represented’ and ‘non-represented’ workers is largely a debate between three different kinds of claims producing different categories and modes of action.

Here we add a note of caution. Focusing on the process of claim making and consideration of its possible performative effects runs the risk of falling into discursive analysis and losing track of the institutional and material constraints of employment relations. It does not need to, though. Claim making is a 2-way relationship that is always contested and contestable, and contestation draws on existing resources, especially when they are institutionalized. Considering claim making is therefore compatible with recent approaches to employment relations that advance on institutionalism by stressing conflict and dynamic power relations (e.g. Baccaro and Howell, 2017; Meardi, 2018; Wailes, et al 2003).

Representative claims do not create constituencies out of nothing. Rather, they make them visible, and provide images and names for them. Saward’s elaboration in this regard is in line with Bourdieu’s constructivist sociological intuitions:

‘in *appearance* the group creates the man [sic – *homme* in the French original] who speaks in its place – to put it that way is to think in terms of delegation – whereas in *reality* it is more or less just as true to say that it is the spokesperson that creates the group. It is because the representative exists, because he represents (symbolic action), that the group that is represented and symbolized exists and that in return it gives existence to its representative as the representative of the group. (Bourdieu, 1991: 204)

Other points are important here. First, representative claims made by organisations about workers can be positioned along a continuum ranging from representing the working class as a whole, to representing a narrowly defined specific employment status, occupation or demographic group (this is also complicated by variations in the *scope* of representation, e.g. health & safety, training, equality).

Second, representative claims involve both a constituency and an audience, but these do not necessarily coincide. They may be partly separate, and in some cases the claimed constituency may be much larger than the actual audience (as in the case of small organisations claiming to represent all workers of the world), or, vice versa, it may be much smaller. Saward illustrates the latter case with the example of a famous trade unionist: Lech Wałęsa, in the 1980s, acted as a representative of Gdansk shipyards, but all the people of Poland, and possibly beyond, were his intended audience (Saward, 2010: 51). In debates on precariousness too, representative claims may be addressed to different audiences (e.g. voters, or political activists) beyond the claimed constituency.

Saward offers some ways forward within the current crisis of representative democracy, including proposals for institutionalising complex representation, which is consistent with the ‘intersectionality’ of interests, and attention not only to institutions, but also to the open set of relationships behind them (Saward, 2010: 164-165), to argue that ‘the diversity, plurality and variety of representative claims supported by a vital system of non-elective claim-making, and the opportunities they provide to highlight social and political inequalities, resonate well with (...) the legitimisation of claims (Saward, 2016: 259). In other words, understanding representative claims can help address the emerging issues of the so-called ‘left behind’ and revitalize democracy (including the industrial one).

## **Representative claims about ‘the Precariat’**

In debates on precarious workers, electoral arguments are generally absent, except in internal union affairs, where seats are often reserved for specific constituencies. Claims based on membership are also rare, which is unsurprising given that unionisation rates of these groups tend to be low. But even in the exceptional situations when unionisation is high (e.g. in encompassing union models supported by the ‘Ghent system’, which incentivizes membership among groups at higher risk of unemployment; or in unions that have successfully organized specific groups such as migrants) arguments based on membership representation would be open to the objection that these workers may join trade unions to access services, rather than to be represented. It is therefore more useful to classify representative claims about precarious workers using Saward’s typology of non-electoral claims. This section illustrates how non-electoral representative claims by unions about precarious workers have emerged in the last decade. We show how they have competed with other organisations’ initiatives in ‘making visible’ precarious workers, and how competing claims dialectically reinforce each other. The examples have no ambition of comprehensiveness, or of ‘representativeness’ of countries or approaches, and have been selected to maximize variation across countries and sectors.

### *Expert claims*

Expert claims base their assertion of representativeness on proven specialist expertise and widely-recognized credentials. In employment relations, they are most likely to be used by traditional trade unions which have been accepted for decades as the representative organisations of workers and perform on daily basis specialized services to workers.

For a clear example, we can look at a very well-established union, German metalworkers’ industrial organisation IG Metall. In the 2000s, observers had criticized German unions for overlooking their own segregation, the growing inequalities among and within sectors, and the process of precarisation (Hassel, 2007; Greer and Doellgast, 2007). The crisis of 2008-09 raised awareness that existing forms of employment protection (including through co-determination and collective bargaining) defended permanent employees but excluded temporary agency workers, who lost over a quarter of their jobs (Bosch, 2011; Hassel, 2014). Unions were forced to quickly acknowledge the problem and respond to it (Adamy, 2010).

IG Metall had traditionally resisted the use of agency work, rather than negotiating good conditions for agency workers. Post crisis, they had to change approach and increase their efforts to organize and defend these workers, which resulted in 35,000 new agency worker members (Benassi and Dorigatti, 2015). But it is not this extra 4% unionisation of agency workers that makes IG Metall ‘representative’ in a more substantive way than it was before 2008.

IG Metall’s efforts involved representative claims in negotiations for new collective agreements with temporary work agencies, as well as legal claims in the labour courts. As a result of those claims, the Federal Labour Court issued in 2013 two important rulings. The first invalidated the competing collective agreements signed with temporary work agencies by the Christian Temporary Work Trade Union (*Christlicher Gewerkschaften für Zeitarbeit und PersonalService-Agenturen*, CGZP), a small organization of the Christian Union Federation (Christlichen Gewerkschaftsbund) considered by IG Metall to be little more than a ‘yellow’ union. In the second, it increased the competences of work councils over the placement of agency workers (Artus, 2014). These claims merged into an organisational one, so that the new IG Metall General Secretary could boldly state in his campaign book ‘we [IG Metall] have become the union of agency workers’ (Wetzel, 2012: 190).

The internet documentation posted by IG Metall about its agency worker campaign is telling. A webpage of 2013, with the subtitle ‘IG Metall, a reliable partner for agency workers’ opened with ethics-based claims (‘IG Metall cares’) but moved swiftly to a focus on expertise, listing collective bargaining capacity, political influence over government, and legal representation as reasons why precarious workers should join the union (IG Metall, 2013). It then linked to further webpages of

information and campaigns over agency work, clearly addressed to a broader and different audience than the potential casual worker membership.

The IG Metall example is replicated in other German union initiatives towards marginal workers, including the campaigns for a minimum wage and against bogus self-employment. Through these actions the confederal (DGB-associated) trade unions maintained their representative monopoly, and even strengthened it through increased social legitimacy (Schmalz and Dörre, 2013) and more favourable legislation after 2013.

Expert claims can be found in many countries. In Britain, the Trades Union Congress established in 2007 a Commission on Vulnerable Employment to investigate treatment of workers and to uncover the worst cases of exploitation. The initiative was informed by recognition of the changing demographics of the labour force and that certain groups (e.g. migrant workers) might be more susceptible to exploitation (TUC, 2008), but the use of the neutral definition of ‘vulnerable workers’ aimed at avoiding divisive targeted policies towards specific groups, and in particular migrants, who at the time accounted for the large majority of the estimated vulnerable workers. By performatively representing these groups as ‘vulnerable workers’ (a hitherto uncommon term) rather than migrant/ethnic minority workers, on whom unions had been focusing (Holgate, 2005; Fitzgerald and Hardy, 2010; Anderson et al., 2007; Alberti et al, 2013), the risk of resistance from sections of the core membership was minimized: an apparent case of the target audience being different from the target constituency.

Several UK unions also stepped up their efforts on agency workers and self-employed, whose status is particularly precarious in the British employment regime, and whose number increased after 2008 (Forde and Slater, 2014). A series of union campaigns targeted well-known employers (including Sports Direct, Uber, Amazon, and some universities) for their use of zero-hour contracts, agency work and bogus self-employment. As in Germany, this included legal claims, as in the successful case brought by the GMB against Uber in 2016, which awarded drivers the status of workers. In this case, the union represented ‘self-employed’ individuals, but as ‘workers’ – redefining their identity in the public sphere and ultimately in the legal one too. Interestingly, the GMB, that on line presents itself as ‘the union for Uber drivers’ (GMB, 2018), has historically organized taxi drivers: in the process, it redefined Uber drivers from competitors to fellow workers.

These representative claim actions deserve attention beyond the widely studied organising activities, which, since the TUC founded its Organising Academy in 1998, have largely been in ‘core’ sectors and have done little to alleviate structural imbalances in representation (Simms et al., 2013). A further example includes Unite’s community-based membership scheme, announced in 2011, to give channels of representation to those traditionally not represented through the union movement (Holgate, 2013) and which preferred representation in terms of ‘place-based’ communities, rather than faith, ethnic or age-based ones. Unite’s Community membership, despite some positive results, has not altered the governance structures of the trade union (Wright, 2013) and, in terms of member recruitment, has appealed mostly to retired union members.

In ‘Latin’ countries, the expertise/traditional claim has often taken the form of stressing and revamping the tradition of ‘horizontal’, class-based rather than occupation or industry-based forms of organisation, that were typical of those union movements’ origins in agricultural societies with mass precarious labour employed by the day. A noticeable example is around migrant labour.

In France, the CGT organized successful strikes of undocumented migrant workers in 2008-10 through the visible use of the *Bourses du Travail* (institutions that had long lost most of their relevance but survived as visible physical structures) and claimed to represent the *sans-papiers* (undocumented migrants) in their status as workers (Barron et al., 2016). During those campaigns, not only did the unions assert that they defend members and non-members alike, as ‘workers’ is the only category that matters; they also used the traditional repertoire of occupation strikes to the advantage of undocumented migrants. As a higher-level, constitutionally-sanctioned workers’ right, occupation strike meant the police could not intervene against protesters despite their ‘illegal’ migration status.

While the union's representative claim was contested (at a time undocumented migrants occupied the *Bourse du Travail* of Paris against the trade union itself), it successfully changed the definition of the represented group from 'sans-papiers' (as in previous civic protests during the 1990s and early 2000s) to 'workers'.

In Italy, the role of CGIL horizontal *Camere del lavoro* (stronger institutions than their French counterparts) has been equally important, although more focused on services than on mobilisation. In Spain trade unions turned the previous, highly respected centres for information to emigrant workers into centres for information to foreign workers, while keeping the same acronym CITE – thereby creating a visible identity link between foreign and Spanish (mobile) workers.

Italy's three main union confederations also made specific organisational steps towards the growing number of precarious workers. In the 1990s, they created specific organizations to represent atypical workers and membership is around 200,000, which equates to a unionization rate of about 5% as against an official 35% for the total workforce. These organizations (Nidil, Alai-CISL and UIL-Temp) achieved only limited results in organizing and collective bargaining, but have gained a public profile through some popular campaigns, e.g. in call centres. The largest of them, Nidil ('New Labour Identities'), on its webpage, claims 'to represent agency and atypical workers' and immediately adds that it fights the use of atypical contracts, in an attempt to redefine atypical workers as employees (Nidil, 2018). It then highlights its collective bargaining credentials, and explains how its hybrid organisation combines representatives from the traditional industrial unions: a case of what Saward (2010) calls institutionalized complex representation.

### 'New voices' claims

Despite the above-mentioned efforts by traditional unions, the issue of who represents precarious and marginal workers remains contested. While in all European countries traditional unions make the strongest claims in this regard, their role is increasingly contested by emerging (if not always new) organisations that claim to provide channels of representation for voices that are marginalised in large trade unions. This happens especially in pluralist representation systems such as the UK and Mediterranean countries, while in corporatist countries new actors emerge rarely, as the CGZP mentioned above and organisation for refugees in Sweden.

These alternative voices need not be in direct opposition to trade unions. In the UK, the Living Wage Campaign was launched in 2001 by the NGO Citizens UK in collaboration with community organisations, churches, charities and, subsequently, sympathetic businesses (Heery et al., 2017), and was supported by labour organisations. It did not make explicit representation claims (Citizens UK states that it 'organizes communities to act together for power, social justice and the common good'), although it may have indirectly corroborated impressions that traditional unions do not sufficiently represent low-paid workers.

Representation challenges also come from non-union sources and from political parties, proving that worker representation has a political dimension, rather than merely interest mediation. In Italy, the 5-Star Movement, created in 2009, grew to reach 32% in the 2018 national election and form a government. It targeted youth and atypical workers explicitly and used anti-union rhetoric, while adopting many union demands. By filing parliamentary candidates from humble occupational backgrounds, it played the 'genuine, deeper roots' representative claim card, but mostly it focussed on the 'new voices' one as its social roots remain very thin and its organisation occurs mostly on-line. In 2018 the party leader and new deputy Prime Minister Di Maio issued an employment reform called the 'Dignity Decree' with the declared aim of defending the interests of precarious workers, and in particular those of the 'gig economy', against unions' reservations and with almost no consultation. Di Maio declared (29<sup>th</sup> of July 2018): 'on the 4<sup>th</sup> of March [election day] Italians told me to repeal the Jobs Act [previous employment law]' – an example of creative claim that transfers from the political electoral arena to the employment relations one and by-passes interest representation.

In Spain, the *indignados* social movement of 2011, while mainly protesting against corrupt politicians, also demonstrated against the two main trade unions that were engaged in negotiations with the government over employment reform. The protests, with the slogans ‘they don’t represent us’ and ‘down with the unions’, forced unions to leave the negotiations, out of fear of being delegitimized in the streets. The *indignados* movement produced a new trade union, *Somos* (‘we are’: in itself a ‘direct expression’ claim, but undefined), that remained very small (0.1% of union delegates in 2016), as well as a political party, *Podemos*, which gradually improved the relations with the traditional unions while still claiming to speak for the hitherto unrepresented Spanish youth.

### ‘Deeper roots’

Other organisations take a more competitive stance and rather than a ‘wider interests’ stance they affirm to be genuine, direct expression of the constituency. Again, there is more institutional space for them in pluralist systems.

In the UK, the new union Independent Workers of Great Britain has led some of living wage campaigns and legal cases representing precarious workers, including against large employers such as Deliveroo. It does not spare criticism of the larger, established British trade unions, and some of its campaigns have been in competition with them. Their claim, on their webpage, focuses on their authenticity in being just like the categories of workers they represent: ‘We are the leading union for precarious workers. We are migrants, we are the so-called “gig economy”, we are foster care workers. We are the IWGB’ (IWGB 2018). In this way, the union rather than limiting its claim to ‘new voice’, uses one based on authenticity and on ‘deeper roots’.

Similar organisations exist in all countries although their effective space is varyingly constrained by the functioning of the specific national institutions. Italy has witnessed multiple forms of self-organization by atypical workers and the self-employed (Armano and Murgia, 2014; Pirro and Pugliese, 2015). These experiences occur with varying degree of engagement with trade unions, from collaboration to competition to mutual indifference. Some of the most successful experiences are among highly skilled self-employed, and have varying orientations from professional to radical. The famous case of ‘San Precario’ demonstrations by activists groups such as *Chainworkers* is particularly interesting (Colleoni et al., 2014; Mattoni and Doerr, 2007). It developed explicitly against established trade unions (e.g. with alternative May Day celebrations to the official ones run by the large union confederations) and it had an effective aesthetic and cultural representation effect, well beyond the narrow boundaries and short life of the movement that created it. *San Precario*’s image is now well-known also outside Italy (although it is rarely appreciated in full beyond Catholic cultural contexts) and it decisively contributed to the establishment of the terms ‘precarious worker’ and ‘precariat’ in the English language. The large feminist strikes of the 8<sup>th</sup> of March in recent years in Spain and Italy, led by feminist organisations, also express a direct, unmediated identity, in this case of gender.

### ‘Non-representation’ claims

The review of debates would not be complete without paying attention to a different sort of representative claims, that are not included in Seward’s typology. These are by actors who stop short from claiming that they are the representatives of precarious workers as such, but do strongly argue that trade unions are *not* representatives. Such claims might be defined as ‘non-representation claims’ and they have themselves increased in volume since the crisis. In particular, during the labour market reforms introduced during the Euro-crisis in Spain and Italy, union opposition was dismissed by most governments as insiders’ egoism and neglect of the unemployed.

French President Nicolas Sarkozy, in the speech starting his failed 2012 re-election campaign, reserved his most vigorous attacks to the ‘intermediary bodies’ that make France sclerotic. Trade



unions were the first of the list of such ‘bodies’ (before parties, lobbies, experts, commentators) accused of creating a barrier between government and people. This kind of claim has the characteristics of populism, insofar as it reduces social complexity to unity, and delegitimizes representative organisations of specific interests, notably workers (Kriesi, 2014). That claim has been repeated in different languages, styles and tones. British Conservative leader Theresa May defined her party in 2016 as ‘the workers’ party’ soon after her party had introduced a draconian Trade Union Bill based on the claim that unions are not representative.

There is, finally, another kind of ‘non-representation’ claim that accuses trade unions not for ignoring marginal workers, but, on the contrary, for privileging them and forgetting the majority. This is the case of some emerging, if still very marginal, far-right worker organisations. In Germany, alternative trade unions with links to national populist AfD party and the Islamophobic Pegida movement managed in 2018 to gain a handful of works counsellor seats across automotive factories. Their argument is that established trade unions, by opening the doors to migrants and protecting them, have forgotten German workers, who remain therefore unrepresented. The Northern League in Italy and the British extreme right gad made similar attempts at creating alternative nativist unions with no success. Such arguments are however more impactful in the political sphere than in the employment relations one, with traditional Social Democratic parties suffering heavy losses in recent years, largely to the advantage of populist rivals.

## Discussion

This article has contributed to important debates in industrial relations literature by linking two discussions that have previously taken place in largely unrelated areas; debates about precarious workers, and debates about interest representation. In doing so, we argue that the representative claims made by unions and other organisations about representing the interests of precarious workers have changed and developed since the crisis. Examining these representative claims through the lens of Saward’s framework emphasizes the dialectical nature of interest representation within institutions of industrial relations lending further weight to arguments that institutionalist understandings of industrial relations need to stress conflict and power dynamics (Wailes et al., 2003, Meardi, 2018, Baccaro and Howell, 2017).

Although we do not claim any broad generalisability from the examples chosen, they illustrate some of the general tensions within the challenges facing trade unions as the labour force changes. They therefore show that representative claims do not emerge from ‘thin air’ but are constructed – sometimes out of crisis, sometimes out of a strategic positioning – by key actors. Three actors have been shown to be particularly important in this process; trade unions (and peak level organisations), precarious workers themselves, and third parties from beyond the sphere of industrial relations who make claims that challenge the representative capacity of unions. This both illustrates the empirical value of Saward’s (2010) typology and extends it to highlight external actors can shape representative claims of trade unions by presenting an explicit and direct challenge to those claims.

Table 1 about here

We have shown that despite profound differences in models of labour market regulation and union structures, unions in many institutional settings have becoming increasingly aware of, and explicitly opposed to, labour market dualisation. These are highly significant changes that demonstrate important changes of strategy and structure in diverse labour markets. In the run-up to and early stages of the crisis unions tended to focus on core constituencies. The ‘crisis corporatism’ adopted by Germany unions is a particularly clear example, but even here they subsequently focused on

organising and campaigning efforts for more vulnerable groups. Italy is legally the most segmented of the three labour markets and even here there is a notable reduction in political priority given to insider protection which is now perceived as politically difficult to justify. The representative claims of Italian trade unions, if not their actual membership, have therefore refocused more on outsiders.

Competition from other organizations such as of the self-employed in the UK and Italy, populist parties and some small radical unions have also contributed to prompting established unions to pay attention to precarious workers. This has required established unions to redefine their representative claims to appeal to and for both their core constituencies and also a broader political audience. Terms such as ‘vulnerable workers’ are helpful to unions as they do not exclude anybody: everybody is vulnerable to some extent. In this context, employment status has become more relevant as a category for representative claims.

Expert claims, and opposing ‘non-representation’ claims, have been detected across all different institutional settings, if in different forms (e.g. collective bargaining in Germany, horizontal organisations in Latin countries, general unions with specialist structures in the UK). This spread corroborates the recent observation by Keune and Pedaci (2019) that national intuitions are not so prominent, in comparison to sector-level power configurations, in determining unions’ responses to precarious work. By contrast, ‘new voices’ and ‘deeper roots’ claims are frequent in pluralist representation systems of liberal and Mediterranean countries but seem to be rare in corporatist countries. In all countries, though, competition to unions has come from political rights, especially of a populist kind, which stresses the importance of a political understanding of representative claims.

At this point, it is important to return to how these representative claims are linked to debates and theories about insiders and outsiders. The different social models across Europe have generated uneven representation of precarious and vulnerable workers in unions, politics and associations. This does not mean insiders/outside theories are correct: the examples discussed illustrate how the dividing line between the two is too blurred. ‘Insiders’ do not always act as such, and outsiders rarely express interest in opposition to insiders. The weakening of trade unions (as alleged insiders’ organisations) has been accompanied by an overall increase of precariousness (Kalleberg, 2018), rather than the emergence of a separate social class as the ‘Precariat’ (Standing, 2011), whether in itself or, even less, for itself. When traditional trade unions have been suddenly weakened, precariousness becomes a bigger problem (e.g. in Germany in the 2000s, UK, Spain and Italy in the 1980s and 2010s), which is consistent with insights from segmentation theory and power resource theory.

## **Conclusion**

In this article, we have presented examples of representative claims made on behalf of precarious workers by unions, new actors and politicians. We have demonstrated the utility of Saward’s framework (2010) and shown examples of expert claims, new voices claims and deeper roots claims. We have added a fourth empirically-derived category; non-representation claims. The various examples indicate that established unions have at moments of crisis to expanded their representative claims to precarious workers. At the same time, we see limited evidence of the emergence of a precariat class ‘for itself’. There are examples of new actors entering the field to make representational claims for precarious workers using ‘deeper roots’ claims of representing precarious workers as such, but even these actors fall well short of defining these workers’ interests as opposed or competing with those of other workers..

It remains to be seen whether increased union attention at a time of declining power can have positive outcomes for vulnerable workers. Representation claims are dialectic and the ways they are received both by those workers and more generally is still unclear. Institutional arrangements will certainly play a role in the outcomes for precarious workers, as in the case of the Ghent system facilitating higher unionisation of agency workers in Belgium than in Germany (Pulignano et al. 2015). Yet those

institutions are clearly not fixed and social relations are able to redefine them. The role of the representative claims and challenges made by both new and established actors will be central in how institutions of interest representation change and develop in future years.

## Acknowledgment

The data about campaigns highlighted in the article come from a project looking at how trade unions in the UK, Germany and Italy have been challenged to represent ‘losers’ of the crisis. The research benefits from commissioned specialist reports from Italy and Germany (by Bianca Beccalli, Enrico Pugliese, Ingrid Artus and Stefan Kelber-Clasen), alongside research by the authors on the UK. The reports from the three countries, based on secondary sources and supplemented with interviews with key actors, provided a contextualized narrative informed by the specialist expertise. Reports were presented and discussed at a final workshop with input from academic colleagues from other disciplines. We are deeply grateful to Michael Saward for his advice on a previous draft, as well as to anonymous reviewers from the European Journal of Industrial Relations.

## Funding

This research was funded by a Small Grant from the British Academy (“Representation of the Losers of the Crisis: A Comparison of Systems of Representation of Vulnerable Workers”).

## References

- Alberti G, Holgate J and Tapia M (2013) Organising migrants as workers or as migrant workers? Intersectionality, trade unions and precarious work. *International Journal of Human Resource Management* 24(22): 4132-4148.
- Anderson B, Clark N and Parutis V (2007) *New EU Members? Migrant Workers’ Challenges and Opportunities to UK Trade Unions: A Polish and Lithuanian Case Study*. London: TUC.
- Armano E and Murgia A. (eds) (2014) *Generazione precaria, nuovi lavori e processi di soggettivazione*. Bologna: Emil.
- Artus I (2014) Mitbestimmung und Leiharbeit. *WSI Mitteilungen* 67 (2), 113–121.
- Avdagic S (2015) Does deregulation work? Reassessing the unemployment effects of employment protection. *British Journal of Industrial Relations* 53 (1): 6-26.
- Baccaro L and Howell C (2017) *Trajectories of Neoliberal Transformation. European Industrial Relations since the 1970s*. Cambridge: Cambridge University Press.
- Barron P, Bory A, Chauvin S, Jounin N and Tourette L (2016) State categories and labour protest: Migrant workers and the fight for legal status in France. *Work, employment and society* 30(4): 631-648.
- Benassi C and Dorigatti L (2015) Straight to the core - Explaining union responses to the casualization of work. The IG Metall campaign for agency workers. *British Journal of Industrial Relations* 53 (3), 533–555.
- Benassi C, Doellgast V and Sarmiento-Mirwaldt, K (2016) Institutions and inequality in liberalizing markets: Explaining different trajectories of institutional change in Social Europe. *Politics and Society* 44(1): 117-142.

- Benassi C and Vlandas, T (2016) Union inclusiveness and temporary agency workers: The role of power resources and union ideology. *European Journal of Industrial Relations* 22 (1), 5-22.
- Bosch G (2011) The German labour market after the financial crisis: Miracle or just a good policy mix? In: Daniel Vaughan-Whitehead (ed): *Work inequalities in the crisis. Evidence from Europe*. Cheltenham, UK: Edward Elgar, 243–277.
- Bourdieu P (1991) *Language and Symbolic Power*. Cambridge: Harvard University Press.
- Brehmer W and Seifert H (2007) Wie prekär sind atypische Beschäftigungsverhältnisse? Eine empirische Analyse. Düsseldorf, WSI-Diskussionspapier, 156.
- Brown W, Bryson A and Forth J (2008) ‘Competition and the retreat from collective bargaining’ NIESR Discussion Paper, No. 318
- Calmfors L and Driffill J (1988) Bargaining structure, corporatism and macroeconomic performance. *Economic Policy* 3 (6): 13–61
- Castel R (1995) *Les Métamorphoses de la question sociale: une chronique du salariat*. Paris: Fayard.
- Colleoni E, Marino S and Galetto M (2014) Radical unionism in Italy - back to the future: Fiom and chainworkers. In: C. Phelan, L. Kretsos and H. Connolly (eds) *Radical Unions in Europe and the Future of Collective Interest Representation*. Oxford : Peter Lang: 137-156.
- Crouch C (2015) *Governing Social Risks in Post-Crisis Europe*. Cheltenham: Elgar.
- Culpepper P and Regan A (2014) Why don't governments need trade unions anymore? The death of social pacts in Ireland and Italy. *Socio-Economic Review* 12 (4):723-745.
- DGB (2013) Betriebsrat und Leiharbeit. <http://www.dgb.de/themen/++co++023ac7d8-34d2-11e3-9a92-00188b4dc422/@@ dossier.html>, accessed on 08.12.2015.
- Doellgast V, Lillie N and Pulignano V (eds) (2018) *Reconstructing Solidarity: Labour Unions, Precarious Work, and the Politics of Institutional Change in Europe*. Oxford: Oxford University Press.
- Doeringer P. and Piore M (1971) *Internal Labor Markets and Manpower Analysis*. Lexington, MA: Heath.
- Dufour C and Hege A (2013) Understanding diversity in collective representation: common principles underlying the performance of workplace representatives in different representation regimes, *Industrial Relations Journal* 44(4): 355-372.
- Emmenegger P, Häusermann S, Palier B and Seeleib-Kaiser M (eds) (2012) *The Age of Dualisation*. Oxford: Oxford University Press.
- Emmenegger P (2014) *The Power to Dismiss: Trade Unions and the Regulation of Job Security in Western Europe*. Oxford: Oxford University Press.
- European Commission (2010) *An Agenda for New Skills and Jobs*. Strasbourg: Communication of the European Commission.
- Fervers L and Schwander H (2015) Are outsiders equally out everywhere? The economic disadvantage of outsiders in cross-national perspective. *European Journal of Industrial Relations* 21(4) 369-387
- Fitzgerald I and Hardy J (2010), “Thinking outside the box”? Trade union organizing strategies and Polish migrant workers in the United Kingdom. *British Journal of Industrial Relations*, 48: 131–150.

- Forde C and Slater G (2014) *The effects of Agency Workers Regulations on agency and employer practice*. London: Acas.
- GMB (2018) GMB Victory as Uber Gives Drivers Sick Pay. <http://www.gmb.org.uk/newsroom/gmb-uber-victory>
- Goujard A, Petrongolo B and Van Reenen J (2011) The labour market for young people pp39-55. In: Gregg, P. and Wadsworth, J. (eds.) *The Labour Market in Winter: The State of Working Britain*. Oxford: Oxford University Press
- Greer I and Doellgast V (2007) Vertical disintegration and the disorganization of German industrial relations. *British Journal of Industrial Relations* 45(1): 55–76.
- Grimshaw D, Johnson M, Rubery J and Keizer A (2016) *Reducing Precarious Work. Protective Gaps and the Role of Social Dialogue in Europe*. Manchester: European Work and Employment Research Centre, University of Manchester.
- Hall P and Soskice D (eds) (2001) *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.
- Hassel A (2007) The curse of institutional security: The erosion of German trade unionism. *Industrielle Beziehungen* 14(2): 176-91.
- Hassel A (2014) The paradox of liberalization — Understanding dualism and the recovery of the German political economy. *British Journal of Industrial Relations* 52(1): 57–81.
- Heat, H. and Cheung, S. (eds) (2007) *Unequal Chances. Ethnic Minorities in Western Labour Markets*. Oxford: Oxford University Press.
- Heery, E., Hann, D. and Nash, D. (2017) The Living Wage Campaign in the UK. *Employee Relations* (39):6, 800-814.
- Holgate J (2013). A turn to community organising in the UK? In Whittle, D (ed) (2013) *The Future For Union Community Organising*. London: Unions21.
- Holgate J (2005) Organising migrant workers: A case study of working conditions and unionisation at a sandwich factory in London. *Work, Employment and Society* 19 (3), 463–480.
- IG Metall (2013) *Was die IG Metall Leihbeschäftigten bietet*. <https://www.igmetall.de/was-die-ig-metall-leihbeschaeftigten-bietet-11149.htm>
- IWGB (2018) We are the IWGB. <https://iwgb.org.uk/>
- Kahmann M (2015) When the strike encounters the sans papiers movement: the discovery of a workers' repertoire of actions for irregular migrant protest in France. *Transfer* 21(4): 413-428.
- Kalleberg A (2018) *Precarious Lives Job Insecurity and Well-Being in Rich Democracies*. Oxford: Polity.
- Keune M (2013) Trade union responses to precarious work in seven European countries. *International Journal of Labour Research* 5(1): 59-78.
- Keune M. and Pedaci M. (2019) Trade union strategies against precarious work: Common trends and sectoral divergence in the EU. *European Journal of Industrial Relations* OnlineFirst. DOI: 10.1177/0959680119827182.
- Korpi W (1983) *The Democratic Class Struggle*. London: Routledge & Keagan Paul.
- Kriesi H (2014) The populist challenge. *West European Politics* 37(2): 361-378.

- Lehndorff S (2015) Model or Liability? The New Career of the ‘German Model’. In S. Lehndorff (ed) *Divisive integration. The Triumph of Failed Ideas in Europe - Revisited*. Brussels: ETUI, 149–178.
- Lindvall J and Rueda D (2014) The Insider–Outsider Dilemma. *British Journal of Political Science*, 44(2): 460-475.
- Marino S and Rinaldini M (2016) Trade Unions and Migrant Workers- Italy. Milan: Paper for the ILERA European Congress.
- Mansbridge J (2003) Rethinking Representation. *American Political Science Review* 97(4).
- Mattoni A and Doerr N (2007) Images within the Precarity Movement in Italy. *Feminist Review* 87: 130-135.
- Meardi G (2018) Economic Integration and State Responses: Change in European Industrial Relations since Maastricht, *British Journal of Industrial Relations*, 56(3): 631-655.
- Milkman R and Ott E (eds) *New Labor in New York: Precarious Workers and the Future of the Labor Movement*. Ithaca, NY: ILR Press.
- Nidil (2018) Chi siamo. <http://www.nidil.cgil.it/chi-siamo>
- Nowak J (2015) Union Campaigns in Germany directed against Inequality: The Minimum Wage Campaign and the Emmely Campaign. *Global Labour Journal* 6 (3): 366–380.
- OECD (2010) *Employment Outlook 2010*. Paris.
- Palier B and Thelen K (2010) Institutionalizing Dualism. Complementarities and Change in France and Germany. *Politics & Society* 38(1): 119–148.
- Pirro F and Pugliese E (2015) *Rappresentare i non rappresentati*. Rome: Ediesse.
- Pitkin H (ed) (1969) *Representation*. New York: Atherton.
- Promberger, M. (2012): *Topographie der Leiharbeit. Flexibilität und Prekarität einer atypischen Beschäftigungsform*. Berlin: Sigma.
- Prosser T (2015) Dualization or liberalization? Investigating precarious work in eight European countries. *Work, Employment and Society* doi: 10.1177/0950017015609036
- Prosser T (2018) *European Labour Movements in Crisis: From Indecision to Indifference*. Manchester: Manchester University Press.
- Pulignano V, Meardi G and Doerflinger N (2015) Trade Unions and Labour Market Dualisation: A Comparison of Policies and Attitudes towards Agency and Migrant Workers in Germany and Belgium. *Work Employment & Society* 29(5): 808-825
- Rueda D (2007) *Social Democracy Inside Out*. Oxford: Oxford University Press.
- Saward M (2010) *The Representative Claim*. Oxford: Oxford University Press.
- Saward M (2016) Fragments of Equality in Representative Politics. *Critical Review of International Social and Political Philosophy* 19(3): 245-262.
- Schmalz S and Dörre K (eds) (2013) *Comeback der Gewerkschaften? Machtressourcen, innovative Praktiken, internationale Perspektiven*. Frankfurt: Campus.
- Simms M (2010) Trade Union Strategies to recruit new groups of workers – United Kingdom <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national->

[contributions/united-kingdom/trade-union-strategies-to-recruit-new-groups-of-workers-united-kingdom](#)

Simms M, Holgate J and Heery E (2013). *Union Voices*. Cornell: Cornell University Press.

Standing G (2011) *The Precariat*. London: Bloomsbury Academic.

Streeck W (1987) The Uncertainties of Management in the Management of Uncertainty: Employers, Labor Relations and Industrial Adjustment in the 1980s. *Work, Employment and Society* 1(3): 281-308.

Thelen, K. (2014) *Varieties of Liberalization and the New Politics of Social Solidarity*. Cambridge: Cambridge University Press.

TUC (2008). *Hidden Lives. The full report of the commission on vulnerable employment*. London: TUC

Wailes N, Ramia G and Lansbury R (2003) Interests, Institutions and Industrial Relations. *British Journal of Industrial Relations* 41(4): 617-637.

Wetzel D (2012) *Mehr Gerechtigkeit wagen*. Hamburg: Hoffmann und Campe.

Wilkinson A, Donaghey J, Dundon T and Freeman R (eds) (2015) *Handbook of Research on Employee Voice*. Cheltenham: E Elgar.

Wright C (2013) The Response of Unions to the Rise of Precarious Work in Britain. *The Economic and Labour Relations Review* 24(3): 279-296.

**Table 1 – Competing forms of representative claims**

<i>Representative claim</i>	<i>Examples</i>	<i>Basis of representative claim</i>	<i>Definitions of outsiders</i>
Expert claims	Large trade unions e.g. IG Metall  Peak level organisations e.g. TUC	Expertise capable to produce tangible outcomes through strengthening/restoration of existing institutional tools (eg collective bargaining)	'Workers' 'Vulnerable workers'
New voices claims	New campaigns/ political organisations e.g. Living Wage, 5- Star, Indignados	Neglect of precarious workers by established organisation, need for new representation channels, if with similar functions/aims	Poor, left-behind, exploited workers
Deeper roots claims	New unions/actors e.g. IWGB, San Precario	Direct identification through genuine roots with different categories from traditional workforces	Precariat, gig-economy workers
Non-representation claims	Governments, international organisations,  Far right	Unions representing insiders minority and forgetting majority	Citizens, Nation