

Unionism and Employment Conflict Resolution: Rethinking Collective Voice and Its Consequences

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I. Introduction

Twenty years ago, in *What Do Unions Do?*, Freeman and Medoff (1984; hereinafter F&M) argued that unionism has two faces, namely, a monopoly face and a collective voice/institutional response face. This imaginative argument was grounded in Hirschman's (1970) well-known exit-voice framework, which attempted to explain why customers don't necessarily switch to other firms and, more broadly, why dissatisfied citizens sometimes rise up to challenge established authority. Yet even though they drew from Hirschman's exit-voice framework to concentrate their attention on unionism's two (ostensible) faces, F&M tended to treat employment relationship conflict in subordinate or secondary fashion. F&M's twin focus was on the efficiency (i.e., monopoly) effects of unionism, which they concluded are largely negative, and on the governance (i.e., voice) effects of unions, which they concluded are largely positive *and* more than counterbalance unionism's negative efficiency effects. To the extent that F&M addressed employment relationship conflict and the effectiveness of unions in dealing with such conflict, they embedded it in their "two faces" argument.

In the two decades following the publication of F&M's book, a substantial amount of research has appeared that directly addresses employment relationship conflict. Therefore, in this study, I use this research to (1) retrospectively evaluate F&M's theoretical perspective on conflict resolution and grievance systems; (2) identify and empirically assess six specific implications of F&M's analysis of employment relationship conflict resolution; and (3) provide an alternative view of F&M's broader, exit-voice-based recommendations for reversing the decline of unionism.

II. F&M's Theoretical Perspective on Conflict

Employment relationship conflict can take many forms, including strikes, sabotage, working to rule, withholding effort, shirking, and more. Whether conflict is seen as central or ancillary to the employment relationship, however, depends on one's conceptualization or larger view of the origins, function, and structure of this relationship. From one perspective, historically and contemporaneously reflected in the work of industrial relations scholars, the employment relationship is a pluralist, mixed-

motive relationship featuring two parties, labor and management, with opposing interests; hence, conflict is inevitable. From this perspective, it follows that the role of unions is to help improve efficiency by institutionalizing/mediating employment relationship conflict such that wildcat strikes, sabotage, and other manifestations of primitive employment relationships are replaced by relatively more peaceful and professional collective bargaining and grievance processes. In addition, through collective bargaining and grievance procedures, unionism enhances equity in the employment relationship because, without these institutional mechanisms, workers will be at a power disadvantage and employment relationship conflicts will be resolved in the employer's favor (Kaufman and Lewin, 1998). In short, the pluralist perspective on employment relationship conflict implies that unions reduce the incidence of such conflict and help to efficiently and equitably resolve such conflicts.

An alternate view is that, for various institutional and political reasons, unions exacerbate employment relationship conflict with consequent negative efficiency and equity effects. For example, unions have an incentive to manufacture conflict in order to justify their existence to their members. More fundamentally, the very essence of collective bargaining is to have an adversarial approach to the employment relationship so that conflict resolution inherently takes the form of bargaining in an *we-versus-them* struggle — a struggle that endures and for which there is no resolution. But this is where the unitarist or cooperative perspective on the employment relationship, a perspective historically reflected in the work of management scholars and contemporaneously reflected in the work of human resource management (HRM) scholars, enters the picture. From this perspective, it is possible to restructure the employment relationship from one in which there is an inherent conflict of interests to one in which there is (more or less) a unity of interests. Because employment relationship conflict is considered dysfunctional to the interests of both sides, it should and can be substantially reduced and restructured so that such conflict is resolved not through an adversarial struggle but, instead, through cooperative problem-solving and other “innovative” HRM policies and practices (including alternative grievance-like procedures). From this unitarist perspective, unions have little or nothing to contribute to the employment relationship except, perhaps, heightened conflict (Lewin, 2001).

Instructively, the positive case for unions made by F&M seems not to depend at all on whether the employment relationship is conceived from a pluralist (IR) or, alternatively, from a cooperative (HR) perspective, even though F&M drew from economics and labor relations to blend disciplinary with institutional analysis.¹ By itself, this was hardly novel given the many precedents for a combined economics-institutional approach to the study of labor relations (Kerr, 1964; Chamberlain, 1948; Ross, 1948; Dunlop, 1958, 1944; Slichter, 1941, 1929; Commons, 1934, 1928). What was novel about F&M's work, as suggested by Bennett and Kaufman (2004), was their formulation of the “collective voice/institutional response” face of unionism and subsequent empirical operationalization of this concept.

The theoretical inspiration for F&M's development of unionism's voice face was provided by Hirschman (1970), who sought to explain why dissatisfied citizens don't necessarily leave their communities (governments) and move elsewhere, and why dissatisfied customers don't necessarily switch to other firms. Such movements and switches are key behaviors that classical and neo-classical microeconomic theory postulate will occur and thereby serve to equilibrate markets for public as well as private goods. Adopting a more institutional perspective, Hirschman focused on stayers rather than movers or switchers. That is, some dissatisfied citizens and some dissatisfied customers choose to stay rather than leave and, as part of staying, attempt to get their dissatisfactions redressed. This is what Hirschman refers to as the exercise of voice, or the voice option, which he then sharply contrasts with moving or switching behavior, which he refers to as exit, or the exit option.

F&M adopted this theoretical perspective and extended its application to union-management relations. They apparently did so because of their view that if worker voice is effective it must be collective voice. This is because individual worker voice will be under-supplied due to potential free-rider problems and worker fear of reprisal for exercising voice individually (Bennett and Kaufman, 2004). The collective worker voice mechanism that captured F&M's attention was the labor union rather than, say, a labor party. The union would serve to represent workers' interests and would communicate with employers and managers on behalf of the worker collective. F&M then strongly contrasted this collective voice/institutional response face of unionism with the monopoly face of unionism, presenting the argument that both faces must be taken into account in reaching overall judgments about unions' roles, effectiveness, and outcomes.

Framed this way, however, F&M's main line of reasoning can be seen as relatively narrow. It is one thing for a union to communicate its member-employees' concerns to management, but quite another thing to expect those concerns to be addressed or redressed. In the latter circumstance, negotiations and bargaining power become relevant as they influence both a union's willingness to press its members' concerns to management and management's willingness to redress those concerns. By relying so heavily on exit-voice theory to analyze union-management relations, F&M seem to downplay that employment relationship conflict and the resolution of such conflict are strongly shaped by the parties' relative bargaining power. Stated differently, union-management relations involve more than a union "communicating" or "voicing" its members concerns to management.

Further in this vein, if the efficiency payoff to voice is merely the collective aggregation of worker preferences, a 1920s-type employee representation plan seems better suited than a union to providing collective voice since it avoids unionism's monopoly effects. As Kaufman and Taras (2000) have observed, modern alternative dispute resolution (ADR) and employee involvement (EI) programs have their antecedents in 1920s Welfare Capitalist practices of firms, which were adopted in part for voice-type reasons. Anomalously, such employee representation plans were elimi-

nated (that is, made illegal) by the 1935 Labor-Management Relations Act. Although F&M criticize 1920s-type employee representation for "lacking power" (p. 108), their own invocation of exit-voice theory to analyze union-management relations can be criticized on the very same ground. While voice may be a useful construct in any theoretical framework of employment conflict resolution, power is a necessary construct in such a framework; F&M strongly emphasize the former, while de-emphasizing and perhaps ignoring the latter.

Similarly, the construct of exit, as advanced by F&M, apparently presumes that the exit option is actually available to workers — a presumption embedded in F&M's assumption that product and especially labor markets are, in general, competitive. Here however, F&M seem to ignore that high unemployment has often undercut employees' exit option and, correspondingly, that employers have often exercised significant power in external labor markets, leaving workers largely in a take-it-or-leave-it position. From an historical perspective and to counter this power imbalance and "level the playing field" in wage determination, workers sought protection through unionism and grievance procedures. And, while the relatively low levels of unemployment that have prevailed in recent years have contributed to the decline of unionism (Kaufman and Lewin, 1998), the genesis of the particular voice mechanism central to F&M's analysis, namely, the employee union, developed largely to correct the power imbalance in the labor market rather than merely to communicate employee voice to management. Hence, in applying the constructs of exit and voice to union-management relations, F&M tend to overemphasize unionism's communication role and underemphasize unionism's power imbalance correction role.

There is little question that unionization and collective bargaining did in fact enhance employee power relative to employer power, contributed markedly to the peaceful settlement of industrial disputes, and provided a hitherto unknown measure of industrial democracy to millions of workers, most especially during the immediate post-World War II period and into the 1950s when unionism, covering roughly one-third of the U.S. nonagricultural private sector work force, was at its peak. During those times, moreover, there was a clear dichotomy in the labor market and in employment relationships between union workers covered and to some extent protected by collective bargaining agreements containing formal grievance procedures, and non-union workers uncovered and unprotected by alternative voice/dispute resolution mechanisms in the firm or by legislation codifying, protecting, or conferring one or another employee right or benefit.

Ironically, by the time F&M's work appeared, this dichotomy had already changed considerably. Not only had unionization declined to about one-fifth of the private sector work force, nonunion employers had increasingly adopted workplace dispute resolution procedures; national legislation covering such matters as anti-discrimination in employment, occupational safety and health, and pension protection had been enacted; and judicial decisions established the doctrines of implicit employment contracts and wrongful termination in cases involving nonunion employees. Hence, while

the practice of employment-at-will had by the mid-twentieth century been partially mitigated with regard to union workers, by a quarter century or so later this practice had become increasingly mitigated with regard to nonunion workers. Nevertheless, F&M chose to emphasize the stronger rights and protections offered workers by unionism and collective bargaining than by employer voluntarism, legislation, or judicial decisions, and they constructed an imaginative analysis (grounded in Hirschman) that led to their main conclusion that the benefits of the collective voice/response face of unionism exceeded the costs of the monopoly face of unionism.

In my judgment this conclusion does not stand the test of time well, in part because F&M's conceptual framework is grounded in a narrow application of Hirschman's exit-voice-loyalty framework, and in part because of F&M's overly narrow empirical analysis of workplace dispute resolution in union and nonunion contexts. Regarding conceptualization, the role, indeed, the existence, of unions fundamentally depends on whether the employment relationship is conceived of in pluralist or in unitarist terms. The pluralist perspective posits employment relationship conflict as a given, with management and unions as well as collective bargaining and grievance procedures constituting an adversarially-oriented system of dispute resolution. The unitarist perspective, by contrast, posits employment relationship cooperation as a given, with management and labor sharing the same rather than having opposing interests, unions having little or no role, and grievance procedures being a little used component of "progressive" HRM practices. Ironically, by ignoring so critical a matter as the pluralist versus unitarist conceptualization of the employment relationship, F&M seem to overstate their positive case for unions, such as when they claim that union voice is most effective when management is cooperative while also criticizing management for not being cooperative. Stated differently, F&M's exit-voice-loyalty-based analysis of union-management relations does not address the fundamental structure of the employment relationship or the origins and function of conflict in pluralist- versus unitarist-type employment relationships.

Regarding F&M's empirical analysis, my research and that of other scholars has shown that while it sometimes serves to "correct" the power advantage of employers over workers, workplace dispute resolution under unionism sometimes exacerbates rather than redresses employment relationship conflict. This is in part because the grievance procedure is not only a mechanism for providing voice to union members; it also serves as an additional or "extra" bargaining mechanism through which a union attempts to win "more," such as more protective work rules, more slack from supervisors, more money to settle grievances, and more influence for union representatives. Furthermore, and following the pluralist conception of the employment relationship in which conflict is endemic to all such relationships, union workers' exercise of voice through the grievance procedure can have a variety of outcomes ranging, probabilistically, from highly positive to highly negative. Ideally, and empirically, such outcomes should be compared with those that occur in nonunion firms in which, following the unitarist perspective, "aberrant" employment relationship conflict is

more likely to be suppressed and HRM-bundled grievance procedures are relatively little used.

Moreover, and following the exit-voice model in which F&M's analysis of union-management relations is grounded, the grievance procedure will be invoked when an employee's relationship with an employer has deteriorated. From this perspective, ex-post efforts to correct employment relationship deterioration through formal grievance procedures, whether in union or nonunion settings, may result in negative consequences for — that is, additional deterioration among — the parties to the employment relationship. Perhaps this is why, in both research and practice, attention has increasingly turned away from reactive, adversarial approaches and toward relatively more proactive, positivist approaches to workplace conflict resolution.

Pursuing these “alternative” conclusions about F&M's two faces argument more deeply, consider what F&M's theoretical perspective specifically implies about conflict and dispute resolution in the employment relationship. First, it implies that union workers will be less likely than nonunion workers to leave their jobs, that is, to quit in response to workplace conflict. Second, it implies that union firms and workers will be more likely than nonunion firms and workers to have workplace governance and dispute resolution arrangements, such as a grievance procedure, in place. Third, it implies that union workers will be more likely than nonunion workers to exercise voice in the employment relationship. Fourth, and closely related, it implies that union workers will be more loyal to their employers than nonunion workers. Fifth, it implies that union workers' exercise of voice will be more effective in redressing employment-related grievances than nonunion workers' exercise of voice. Sixth, it implies that the existence of dispute resolution procedures and worker exercise of voice through such procedures will have positive effects on efficiency and firm performance. To what extent are these implications of F&M's theoretical perspective on workplace dispute resolution supported by empirical research?

III. Empirical Analysis – Unions and Quits

The first implication of F&M's theoretical perspective on conflict and dispute resolution is that union workers will quit their jobs less than nonunion workers. Of all the aforementioned implications, this one appears to have the strongest empirical support, in particular, from earlier studies by Stoikov and Raimon (1968), Burton and Parker (1969), Pencavel (1970), Brown (1978), Leigh (1979), Freeman (1980), Blau and Kahn (1981), Mitchell (1982), and Long and Link (1983), and more recent studies by Addison and Belfield (2004), Batt (2003), and Delerey et al. (2000). As summarized by F&M (pp. 94–101) and controlling for wages and other factors, union workers are much less likely than nonunion workers to quit their jobs, with the reduction in quits under unionism estimated at between 31 and 65 percent. Furthermore, these estimates are much larger than the estimated effects of a 20 percent “monopoly wage” increase on worker quits (F&M: 95–96). Not surprisingly, therefore, the increase in worker job tenure associated with unionism is also significant, with esti-

mates ranging between 23 and 32 percent relative to nonunion workers. In these respects, conclude F&M, "the voice effect dominates the monopoly wage effect" (p. 95).²

What explains these quit-reducing, tenure-increasing effects of unions on workers? Put differently and consistent with the title of their (1984) book, F&M ask specifically, "What do unions do to a workplace that causes this change in worker behavior?" (p. 103). They answer this question by citing two union-induced "innovations," namely, development of grievance and arbitration systems and seniority-based personnel policies. Grievance and arbitration systems are especially notable, claim F&M, because they "provide workers with a judicial-type mechanism to protest and possibly to redress unfair or incorrect decisions of their supervisors" (p. 104). In other words, the grievance procedure is the key avenue through which (union) workers can exercise voice and thereby potentially reverse the deteriorated state of their relationships with their employers.

Attributing so large a reduction in worker quit behavior to the presence of grievance and arbitration procedures — that is, voice mechanisms — is questionable, however, because unionism influences other aspects of the employment relationship as well. These include fringe benefits, work assignments and jurisdictions, working conditions, and more, which are not captured by F&M's controls for wages in their quit rate equations (or in similar analyses conducted by Freeman and Rogers, 1999). Indeed, and as observed by Kaufman (2001), the totality of gains obtained by unions may be viewed as a form of "golden handcuffs" that tie union workers much more strongly to their firms than nonunion workers. Voice may well play a role in union workers' relatively low quits and relatively high tenure, but it is unlikely to be so dominant a role as that assigned to it by F&M.

In addition, F&M address the question of "why nonunion firms don't mimic union firms and offer workers the benefit of voice as part of a profit-maximizing strategy" (p. 107). F&M answer this question by proposing that nonunion firms respond primarily to the desires of young, mobile workers (the "marginal" worker), who prefer exit over voice, rather than to the desires of older, more permanent ("infra-marginal") workers, who prefer voice over exit. Therefore, "as long as nonunion firms are attuned to the desires of potentially mobile workers, they are unlikely to see the need for grievance and arbitration" (pp. 107–108).

IV. Empirical Analysis – Grievance Procedures

Taken together, these arguments underlie the second implication of F&M's theoretical perspective on conflict and dispute resolution, namely, that union firms will be more likely than nonunion firms to have dispute resolution arrangements, such as a grievance procedure, in place. But this implication is called into question by the rising incidence, scope, and complexity of dispute resolution procedures — often referred to as alternative dispute resolution (ADR) — in nonunion firms. Estimates of the incidence of dispute resolution procedures in nonunion firms range between one-

third and two-thirds, with a proximate mean of a little over one-half (Colvin, 2003; Bingham and Chachere, 1999; Lipsky and Seeber, 1998; USGAO, 1997; Feuille and Chachere, 1995; Feuille and Delaney, 1992; Edelman, 1990; Delaney et al., 1989; Ichniowski et al., 1989; Ewing, 1989; McCabe, 1988; Westin and Felieu, 1988). Such estimates should be treated with caution because nonunion ADR practices vary markedly with respect to procedural alternatives, procedural steps, protections of employee rights, and ultimate decision-making authority. They should also be treated cautiously because of potential selection bias problems in that union and nonunion firms with grievance procedures may not be drawn from the same population. That is, workers generally form and join unions when employment relationships are already conflictual and use grievance procedures to resolve such conflict, whereas nonunion firms that adopt ADR practices, especially as part of high-involvement work systems, generally do so to prevent employment relationship conflict.

Nevertheless, longitudinal studies consistently find a growing incidence of ADR procedures in nonunion firms, a widening scope of employment-related issues covered by these procedures, and an expansion of the steps included in these procedures (Colvin, 2003; Feuille and Chachere, 1995; Delaney et al., 1989; Ichniowski et al., 1989). With such widespread diffusion of this "innovation," it is difficult to sustain F&M's proposition that nonunion firms favor and respond to the preferences of young, mobile workers over those of older, more permanent workers.

This proposition is supported by the differential incidence of arbitration in the dispute resolution procedures of union and nonunion firms, respectively. While arbitration is the final step in all but a handful of union firms' grievance procedures, it is estimated to be the final step only in roughly one-sixth to one-third of nonunion firms' dispute resolution procedures. (Colvin, 2003; Delaney et al., 1989; Freeman and Medoff, 1984). Other nonunion dispute resolution procedures, however, provide peer review or mediation or an ombuds or combinations thereof (Colvin, 2004; Bingham and Chachere, 1999; Feuille, 1999; Kaminski, 1999), so that there is both more experimentation with various dispute resolution practices — alternatives — in nonunion than in union firms, and a smaller gap between nonunion and union firms' procedural approaches to conflict resolution than when arbitration alone is considered. Moreover, while grievance procedures in union firms cover only employee-members of bargaining units, grievance procedures in nonunion firms typically cover all nonmanagement personnel and often cover some levels of management personnel (Lewin, 2004, 1997). In sum, when the rising incidence of dispute resolution procedures in nonunion firms is taken together with the continued downward trend in union density, it appears that far more nonunion than union workers are covered by dispute resolution procedures — and perhaps as well by arbitration.

Why has the incidence of dispute resolution procedures grown so substantially in nonunion firms? Following F&M, who argued that "union work rules and procedures for labor relations also spill over to effect nonunion firms" (pp. 153–54), the threat of unionization may primarily explain the rising incidence of dispute resolution

procedures in nonunion firms; this may be dubbed a union substitution explanation. Following this line of reasoning, however, the continued long-term decline of unions should reduce pressure on nonunion firms to adopt dispute resolution procedures. Alternatively, recent decisions of the U.S. Supreme Court, such as in *Gilmer v. Interstate/Johnson Lane* (1991) and *Circuit City v. Adams* (2001), have ruled that the full range of employment laws, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans With Disabilities Act, are subject to arbitration clauses contained in the employment contracts of nonunion employees. This mandatory arbitration doctrine requires “diversion of all employment litigation ... into an employer-designed arbitration procedure from which there is no right of appeal or only very limited possibility of court review” (Colvin, 2003). In other words, nonunion employers who adopt an arbitration-type dispute resolution procedure can require employees to submit to this procedure and can also exercise strong control over the procedure itself, including by selecting and paying for the arbitrator (Stone, 1999). Such employer domination of ADR systems and practices can be analogized to employer domination of company unions in an earlier era (Kaufman and Taras, 2000). In any case, nonunion employers who perceive substantial employee litigation threats have an incentive to adopt dispute resolution procedures, in particular, procedures featuring and requiring arbitration. This may be dubbed a litigation threat explanation, one which also suggests that nonunion employers’ adoption of ADR procedures does not stem primarily from a desire to prevent employment relationship conflict.³

Yet another factor potentially influencing the growth of nonunion dispute resolution procedures is the extent to which such procedures are components of high-involvement or high-performance work systems that have been widely adopted by nonunion (and some union) firms. Such systems, often described as strategic human resource management initiatives, are claimed to promote high levels of employee commitment and thereby enhance productivity, product and service quality, customer satisfaction, and, ultimately, firms’ financial performance (Batt, 1999; Ichniowski et al., 1996; Osterman, 1996; MacDuffie, 1995; Huselid, 1995). Although most research and practice regarding high-performance work systems focuses on the use of self-managed teams, employment security, employee training and development, and variable pay, formal dispute resolution procedures are sometimes also included as components of these systems (Huselid, 1995; Arthur, 1992; Cutcher-Gershenfeld, 1991); this may be dubbed a high-performance work system explanation.

To what extent are these contrasting explanations for nonunion firms’ adoption of dispute resolution procedures supported empirically? Several studies (Colvin, 2003; Feuille and Delaney, 1993; McCabe, 1988) find that nonunion firms adopt a dispute resolution procedure primarily as part of broader strategic initiatives, such as introducing and developing high-performance work systems, work process re-engineering, and human resource information systems — in this instance for the identification, diagnosis, and resolution of organizational/workplace issues and problems. Similar rationales have been offered for adoption of the ombuds-type dispute resolution pro-

cedure (Fernie and Metcalf, 2004). In these studies, union substitution is either not significantly associated or only modestly significantly associated with nonunion firms' adoption of dispute resolution procedures — findings that are also consistent with the notion that declining unionization reduces the pressure on nonunion firms to adopt dispute resolution procedures. Related research, however, finds that union substitution is significantly associated with nonunion firms' adoption of a peer-review-type dispute resolution procedure but not an arbitration-type dispute resolution procedure (Colvin, 2003; Edelman, 1990). By contrast, the threat of employment litigation is significantly associated with nonunion firms' adoption of an arbitration-type dispute resolution procedure but not a peer-review-type dispute resolution procedure. Furthermore, this research finds a stronger association between high-performance work practices and nonunion firms' adoption of a peer-review-type dispute resolution procedure than between high-performance work practices and nonunion firms' adoption of an arbitration-type dispute resolution system.

Despite the recent growth of ADR systems in nonunion firms, there is no one dominant system akin to the grievance system that characterizes union firms. Stated differently, there are widely varying alternative dispute resolution practices in nonunion firms as well as substantial variation in the rights and protections provided to nonunion workers under ADR systems. Moreover, empirical research suggests that ADR systems are most likely to be found in large, publicly traded, "progressive" firms that also tend to adopt high-performance work practices (Colvin, 2003). Rather similar to unionism and bargaining, therefore, ADR systems are least likely to be found in small firms and to cover workers in secondary labor markets in which transient, zero-sum-type employment practices predominate.

Nevertheless, a substantial body of research and practice, much of which emerged since the publication of F&M's (1984) book, leads to the conclusion that nonunion firms have increasingly adopted some type of dispute resolution procedure. In this regard, the gap between union and nonunion firms on which F&M concentrated much of their attention and which informed their analysis of the institutional response/collective voice face of unionism appears to have narrowed considerably. Moreover, and based on strategic human resource management and litigation threat considerations, the proportion of nonunion firms adopting formal dispute resolution systems is likely to rise even further.⁴

V. Empirical Analysis – Exercise of Voice

The third implication of F&M's theoretical perspective on conflict and dispute resolution is that union workers are more likely than nonunion workers actually to exercise voice in the employment relationship. This implication is only partially borne out, however, based on empirical evidence from studies of grievance filing in union and nonunion settings. To illustrate, a multi-sector study of union firms conducted by Lewin and Peterson (1988) found annual grievance filing rates (i.e., the number of written grievances annually per 100 workers) ranging from about eight percent for

public school teachers and retail department store clerks to about ten percent for hospital workers and to about 16 percent for steel workers. The overall mean grievance filing rate across all sectors, organizations, and (union) workers covered in this study was about ten percent, which is quite similar to the findings of other researchers in their studies of union workers' grievance filing rates in the United States and Canada (Bemmels, 1994; Stewart and Davy, 1992; Cappelli and Chauvin, 1991; Bemmels et al., 1991).

Evidence of grievance filing by nonunion workers typically comes from research on single (nonunion) firms or several such firms rather than from industry- or sector-level studies. In this research, nonunion workers covered by grievance or equivalent complaint-handling procedures had "grievance" filing rates ranging from about three percent to about six percent, with an overall mean of about five percent (Lewin, 2004, 1992, 1987; Colvin, 2004). Thus, the grievance filing rate of nonunion workers covered by dispute resolution procedures appears to be about half that of union workers.⁵

Consider, however, that not all grievances filed by union workers stem from incidents of unfair workplace treatment or, in exit-voice terminology, a deteriorated state. For example, Kuhn (1961) and Lewin and Peterson (1988) found that grievance activity was highest when the collective bargaining agreement was about to be renegotiated and lowest at the mid-point of the bargaining cycle, indicating that unions use the grievance procedure in part to extract more economic benefits from employers. Other studies have found that grievance activity sometimes rises because a newly elected local union official wants to show his mettle or a union leader is up for reelection (Chamberlain and Kuhn, 1961; Sayles, 1956). By contrast, these types of economic and political factors are not present in nonunion contexts and thus do not influence the grievance activity of nonunion workers. This, in turn, suggests that grievance filing rates in union settings should be adjusted downward to take account of the effects of union-management bargaining and union political considerations — especially when comparing union and nonunion workers' grievance (voice) activity. If such adjustments were made on a broad scale, they would likely reduce the aforementioned two-to-one ratio of union worker-nonunion worker grievance filing rates, perhaps considerably.

In both union and nonunion firms, grievance procedures typically feature multiple, escalating steps. Comparisons of initial step grievance filing rates between union and nonunion workers therefore provide only a partial picture of differences in grievance activity among these two worker groups. F&M's theoretical perspective on conflict and dispute resolution (further) implies that union workers are more likely than nonunion workers to pursue redress of their grievances to and through higher steps of the grievance procedure. Is this proposition borne out empirically? For the most part, no, it isn't. Studies of grievance activity in union firms find that the large majority of grievances are settled at the first (written) step of the grievance procedure, that about one-third of grievances are taken beyond the first step, and that between three and four percent proceed to the last grievance step, which is almost always arbitration

(Feuille, 1999; Kleiner et al., 1995; Bemmels, 1994; Lewin and Peterson, 1988). Studies of grievance activity in nonunion firms report similar findings. Specifically, about 70 percent of nonunion workers' grievances are settled at the first step of the grievance procedure, most of the rest are settled at the second step (or second and third steps) of the procedure, and about two percent proceed to the final step of the procedure (Lewin, 2004, 1992, 1987).

In nonunion firms, this final grievance step is more varied than in union firms and typically features a senior member of management — e.g., the Chief Executive Officer (CEO), senior human resource officer, chief administrative officer or general manager — as the final decision maker (Kaminski, 1999; Feuille and Delaney, 1992; Lewin, 1992, 1987). Where arbitration is the final step in nonunion firms' grievance procedures, the percentage of grievances that reach the final step — a little over three percent, on average — is somewhat higher than when a management official constitutes the final step — a little under two percent, on average. On balance, then, nonunion workers who are covered by dispute resolution procedures are only marginally less likely than union workers to pursue their grievances beyond the first step of the grievance procedure, including to the final grievance step.

Grievance filing is only one part of conflict and dispute resolution dynamics in firms. Industrial relations scholars have often pointed out that most employment-related grievances are never put in writing. Instead, they are "resolved" informally in discussions between workers and supervisors, including but not limited to direct supervisors (Feuille, 1999; Bemmels, 1994; Lewin and Peterson, 1988; Chamberlain and Kuhn, 1965; Kuhn, 1961; Sayles, 1956). The extent of such informal grievance resolution is of course unknown, but it is estimated that in union firms there are about ten unwritten grievances for every one written, or formally filed. Is there reason to believe that this type of informal grievance resolution occurs more or less frequently in nonunion firms than in union firms?

If, as F&M imply, union workers are more likely than nonunion workers to exercise (collective) voice in the employment relationship, this should hold for both formal grievance filing and informal grievance discussion and resolution. Hence, informal grievance activity would be greater in union than in nonunion firms. Alternatively, if nonunion firms are more likely than union firms to adopt high-performance work system practices or what some scholars describe as "proactive" voice mechanisms — e.g., workplace teams, worker consultation, information-sharing, business issues forums, peer performance assessments — nonunion workers may be more likely than union workers to exercise (partly individual, partly collective) voice in the employment relationship. In this instance, the incidence of informal grievance activity would be greater in nonunion than in union firms.

Given their emphasis on expanded worker participation in decision-making, high-performance work system practices and proactive voice mechanisms may be said to legitimize individual differences regarding particular decisions and stimulate internal communication about such differences. In this context, informal grievance activity

may occur not because workers experience deterioration of their relationships with their employers but, rather, because of the expanded opportunities for workers to contribute to the functioning and performance of their firms. This reasoning is consistent with the finding of organizational behavior researchers that conflicts over work coordination and task integration can be beneficial to firms (Bendersky, 2003; Jehn, 2001).

Alternatively, high-performance work system practices and proactive voice mechanisms may pose more challenges than workers are able or willing to accept. Workers may not have the skills and knowledge required to participate in or be consulted about a broadened set of decisions; they may find that their jobs have been enlarged to the point where they cannot perform the full range of tasks required or requested of them; and they may become members of work teams that function ineffectively due to free riding, excessive heterogeneity, and lack of cohesion. In these circumstances, informal grievance activity may occur because workers have experienced conflict in — deterioration of — their employment relationships. This reasoning is also consistent with the finding of organizational behavior researchers that personality conflicts are harmful to work groups and firms more broadly (Jehn, 1997; Amason, 1996).

Theorizing about the extent to which informal grievance activity occurs in union and nonunion firms as well as the underlying causes of such activity can take us only so far. Such activity may be more or less prevalent among nonunion than among union workers, but even if it were more prevalent it would not necessarily reflect relatively more conflictual or deteriorated employment relationships among nonunion than among union workers. In the absence of empirical evidence, it is prudent to conclude that informal grievance activity is likely to be far more common than formal grievance activity in nonunion and union firms alike. And, because differences between union and nonunion firms in the incidence of formal grievance filing and the progression of unsettled grievances to the higher steps of grievance procedures are quite small, the implication drawn from F&M that union workers are significantly more likely than nonunion workers to exercise voice in the employment relationship should be regarded as unproven until more definitive empirical studies are conducted.

VI. *Empirical Analysis – Unions and Worker Loyalty*

The fourth implication of F&M's theoretical perspective on conflict and dispute resolution is that union workers will be more loyal to their employers than nonunion workers. It may be argued that this implication is erroneous because worker loyalty received no explicit attention from F&M. Yet, loyalty is a key variable in the Hirschman framework on which F&M otherwise rely so heavily. Hirschman (1970) postulated that the extent to which organizational members are willing to trade off the certainty of exit against the uncertainties of exercising voice "is clearly related to that special attachment to an organization known as loyalty" (p. 77). While this formulation is at best imprecise and at worst tautological, some scholars have operationalized loyalty as "giving private and public support to the organization" (Rusbelt et al., 1988), others

as "organizational citizenship" (Cappelli and Rogovsky, 1998), and still others as "organizational commitment" or "the degree to which a person identifies with an organization" (Boroff and Lewin, 1997). Its particular empirical specification aside, loyalty is posited by Hirschman as being positively correlated with the exercise of voice and negatively correlated with exit behavior. Yet, F&M drew on Hirschman's concepts of exit and voice but apparently not on the concept of loyalty in developing their collective voice/institutional response face model of unionism and labor-management relations.

A different reading of F&M, however, suggests that rather than disregarding loyalty, they took Hirschman literally and regarded loyalty as moderating worker choice between voice and exit behavior. This interpretation is consistent with F&M's emphasis on the quit-reducing effect of unionism, which in turn (they say) results from the greater opportunities available to union than nonunion workers for exercising voice in the employment relationship. Inferences aside, F&M explicitly analyzed job satisfaction as a moderating variable influencing worker choice as between voice and exit behavior. In this regard, F&M reasoned that more dissatisfied workers are more likely to file grievances than less dissatisfied workers, so that the (negative) union impact on quits should be greater on workers with the greatest dissatisfaction. And, citing prior work by Freeman (1980) and by Kochan and Helfman (1977), F&M concluded that quit rates "rise much more modestly among union than among nonunion workers as dissatisfaction rises" (p. 105).

But if this is so, an equally plausible proposition is that quit rates rise much more modestly among union than among nonunion workers as loyalty (to the employer) declines. In one of the only empirical studies that directly addresses this proposition, however, Lewin and Boroff (1996) found that while worker loyalty was significantly negatively associated with worker exit intent (that is, the intent to leave the job), the (standardized) regression coefficient was larger for nonunion than for union workers. In this same study, moreover, worker loyalty was also more strongly negatively associated with the exercise of voice (that is, grievance filing) among nonunion than among union workers. Consequently, and despite the paucity of studies directly comparing union and nonunion worker loyalty, the available (inferential) empirical evidence does not support the proposition drawn from F&M that union workers will be more loyal to their employers than nonunion workers.⁶

VII. *Empirical Analysis – The Effectiveness of Voice*

The fifth implication of F&M's theoretical perspective on conflict and dispute resolution is that union workers' exercise of voice will be more effective in redressing employment-related grievances than nonunion workers' exercise of voice. In this regard and given their theoretical perspective, one would have expected F&M to analyze grievance filing, handling, and resolution in samples of union firms, or to compare grievance behavior in samples of union and nonunion firms having grievance and grievance-like systems, respectively, in place. But F&M did not do this; rather, and as

noted earlier, they focused more narrowly on how unionism affects quits of workers with varying degrees of job satisfaction. That analysis is too limited and perhaps even off the mark, however, if one is interested in knowing whether and to what extent grievance and arbitration systems provide workers an effective voice mechanism. To answer this question, grievance behavior itself must be studied. Fortunately, several researchers have done just that, both in union and nonunion contexts. The results of this research appear to confirm some and disconfirm other of F&M's findings and conclusions.

To illustrate, in a study of grievance behavior in a large, union telecommunications company, Boroff and Lewin (1997) found that, consistent with F&M, union membership was significantly positively associated with grievance filing (i.e., the exercise of voice). Inconsistent with F&M (and Hirschman), however, grievance filing was not significantly associated with worker exit intent. Furthermore, worker job tenure, satisfaction, and perceived effectiveness of the grievance procedure were all insignificantly associated with grievance filing, while both worker loyalty and fear of reprisal were significantly negatively associated with grievance filing. These findings run counter to F&M's (and Hirschman's) propositions about the determinants of worker exercise of voice. By contrast, Boroff and Lewin's (1997) findings that worker loyalty, satisfaction, and perceived effectiveness of the grievance procedure were all significantly negatively associated with worker intent to leave the firm are consistent with F&M's (and Hirschman's) propositions about exit behavior.

Another way of assessing the effectiveness of grievance procedures as a voice mechanism, whether among union or nonunion workers, is to examine post-grievance settlement behavior. For this purpose, Lewin and Peterson (1999) analyzed individual worker data drawn from four union organizations over two three-year periods. Employing a modified pre-test, post-test, control-group design, these researchers found that worker performance ratings, promotion rates, and work attendance rates declined, and worker turnover rates increased significantly for grievance filers compared with non-filers following grievance settlement. These findings contrasted markedly with the absence of significant differences in performance ratings, promotions rates, and work attendance rates between grievance filers and non-filers before or during grievance filing and settlement. In related research, Olson-Buchanan's (1997, 1996) laboratory studies found that grievance filers had significantly poorer job performance than non-filers after grievance filing and settlement, and Klass and DeNisi (1989) found that workers who filed grievances against their supervisors subsequently received lower performance ratings than workers who filed grievances over management policies. Hence, contrary to F&M, it appears that union workers who exercise voice through grievance filing subsequently experience further deterioration rather than improvement of their employment relationships, including increased rather than decreased exit behavior.

Such additional deterioration may, on the one hand, stem from management reprisal against workers for filing grievances. If so, empirical evidence provides stron-

ger support for an organizational punishment-industrial discipline theory of the employment relationship (Sheppard et al., 1992; Arvey and Jones, 1985; O'Reilly and Weitz, 1980) than for an industrial relations-due process theory (Lewin and Peterson, 1988; Peach and Livernash, 1974) or an exit-voice theory of the employment relationship. On the other hand, the negative post-grievance filing and settlement outcomes for union workers summarized above may reveal "true performance." Following this reasoning, grievance filing and settlement spur management to pay closer attention to assessing worker job performance. When doing so, "management discovers (ex-post) that grievants ... are indeed poorer performers than non-grievants" (Lewin, 1999: 160). Notably, additional support for this "true performance" explanation of post-grievance filing and settlement employment relationship deterioration inheres in the well-known "shock" theory of the union impact on management developed by industrial relations scholars (Rees, 1962; Chamberlain, 1948; Slichter, 1941, 1929; Commons, 1934, 1928). According to this theory, unionization of a firm's work force shocks that firm's management into improving organizational performance, thereby resulting in higher productivity which offsets higher labor costs and thus leaves unit labor costs unchanged. The shock theory of unionism, it should be noted, is in many respects quite similar to F&M's "two faces of unionism" theory except, of course, that it is not grounded in concepts of exit and voice (or loyalty).

The reprisal explanation for further deterioration of union workers' employment relationships following grievance filing and settlement is strengthened by Lewin and Peterson's additional findings that supervisors of grievance filers in the organizations they studied had significantly lower job performance ratings, promotion rates, and work attendance rates and significantly higher turnover rates than the supervisors of non-filers following grievance filing and settlement. Moreover, no significant differences in job performance ratings, promotion rates, or work attendance rates existed between these two groups of supervisors prior to or during the grievance filing and settlement periods. Alternatively, the fact that grievances were filed against them implies that the supervisors of grievance filers are systematically poorer performers than the supervisors of non-filers, which would also be consistent with firms' closer monitoring of supervisors following rather than prior to or during grievance filing and settlement. Thus, whether and to what extent a reprisal explanation fits the empirical evidence better than a true performance explanation of grievance filers' supervisors' post-grievance filing and settlement employment relationship deterioration is problematic.⁷ In any case, empirical evidence indicates that the grievance procedure does not, as F&M would have it, necessarily provide union workers an effective voice mechanism that serves to redress their particular grievance issues or restore the deteriorated state of their relationships with their employers. Therefore, it is also difficult to accept F&M's proposition that the positive effects of the collective voice face of unionism fully or more than fully offset the negative effects of the monopoly face of unionism.

Turning to grievance procedures for nonunion workers, the effectiveness of such procedures may also be gauged by analyzing post-grievance settlement behavior. Rel-

evant evidence in this regard comes from a series of studies (Lewin, 2004, 1997, 1992, 1987) that used the same type of pre-test, post-test, control-group design as was employed by Lewin and Peterson (1999, 1988) in their studies of post-grievance settlement behavior in union settings. Drawing on individual worker data from several large nonunion firms with dispute resolution procedures in place, this research found no significant differences between samples of grievance filers and non-filers in job performance ratings, promotion rates, and work attendance rates prior to and during the grievance filing and settlement periods. By contrast, grievance filers had significantly poorer job performance ratings and lower promotion rates and work attendance rates as well as higher turnover rates than non-filers during the one- and two-year periods following grievance settlement.

Some of these studies were also able to replicate the analysis of post-settlement grievance behavior using samples of supervisors of nonunion grievance filers and non-filers. Once again, the research found a pattern of no significant between-group differences during the pre-grievance filing and grievance settlement periods, but significant between-group differences thereafter. That is, the supervisors of nonunion grievants had significantly poorer post-grievance settlement job performance ratings, lower promotion rates and work attendance rates, and significantly higher turnover rates than the supervisors of nonunion workers who did not file grievances. Hence, and closely similar to the experience in union settings, nonunion workers who exercise voice through grievance filing as well as their supervisors subsequently experience further deterioration of their employment relationships, including increased exit behavior.⁸ Taken as a whole, this body of empirical evidence largely fails to support the implication derived from F&M that union workers exercise more effective voice in the employment relationship than nonunion workers.

Also supporting the notion that union workers who exercise voice by filing grievances experience further deterioration rather than redress of their employment relationships are findings from studies of employee reinstatement. The bulk of these studies use samples of arbitration awards in dismissal cases and analyze the incidence of reinstatement, factors affecting reinstatement, and the viability of employment relationships following reinstatement (Bemmels and Foley, 1996; Barnacle, 1991; Rocella, 1989; Lewin and Peterson, 1988; Ponak, 1987; Labig et al., 1985; Shantz and Rogow, 1984; Dickens et al., 1984; Williams and Lewis, 1982; Malinowski, 1981; Adams, 1979). All in all, this research finds that reinstatement occurs in about half of the grievance cases, and for this half less severe discipline is substituted for dismissal. The proportion of dismissed workers who actually return to work following decisions to reinstate varies widely, however, from 88 percent reported in a U.S.-based study (Barnacle, 1991) to 46 percent reported in a Canadian-based study (Malinowski, 1981). Thus, there is some reluctance to return to work among workers who are reinstated with lesser penalties than dismissal (Bemmels and Foley, 1996).

Especially notable, dismissed workers who are partially exonerated by arbitrators apparently have less difficulty following reinstatement than fully exonerated

workers. In a study of unionized Canadian workers (Adams, 1979), for example, quit rates for partially and fully exonerated workers were 13 percent and 31 percent, respectively, following arbitrator reinstatement decisions. A related study of unionized U.S. workers (Lewin and Peterson, 1988) found that workers who won their grievance cases (at any step of the grievance procedure) were more likely to quit during the post-grievance settlement period than workers who lost their grievance cases. More broadly, research by Rocella (1989) on reinstated Italian workers and by Shantz and Rogow (1984) on reinstated U.S. workers found combined voluntary and involuntary turnover rates of 28 percent and 58 percent, respectively, in the two-year period immediately following reinstatement.

Some studies (Chaney, 1981; Stephens and Chaney, 1974) conclude that reinstated workers who decide not to return to work are motivated by fear of employer reprisal. These same studies also conclude that unfair workplace treatment is the main reason why reinstated workers who do return to work decide to quit their jobs following reinstatement. Regarding employers, survey-based research finds that whereas the bulk of employers believe that workers reinstated to their jobs with lesser penalties than discharge perform satisfactorily, and also that the incidence of post-reinstatement disciplinary infractions by reinstated workers does not differ significantly from the incidence of disciplinary infractions among other workers, these same employers believe that the reinstatement of dismissed workers negatively affects work force morale as well as working relationships between reinstated workers and other workers (Ponak, 1987; Barnacle, 1981). Taken as a whole, this research suggests that substantial proportions of union workers who exercise voice after their employment relationships have deteriorated to the point of dismissal and who successfully achieve redress of their grievances by being reinstated to their jobs nevertheless subsequently experience additional employment relationship deterioration, culminating in quitting or termination (that is, exit).

VIII. *Empirical Analysis – Voice and Organizational Performance*

The sixth and final implication of F&M's theoretical perspective on conflict and dispute resolution is that the existence of dispute resolution procedures and workers' exercise of voice through such procedures will positively affect efficiency and firm performance. In this regard, however, empirical research distinguishes the existence or availability of voice from the actual use or exercise of voice in terms of effects on organizational performance. To illustrate, studies of grievance procedure usage by union workers in automobile manufacturing plants (Northworthy and Zabala, 1985; Katz et al., 1985, 1983) and paper manufacturing plants (Ichniowski, 1992, 1986) found that grievance rates were significantly negatively associated with labor productivity, total factor productivity, and product quality and significantly positively associated with labor costs and unit production costs. In one of these studies (Ichniowski, 1992), moreover, a reduced grievance rate, attributed to the introduction of a labor-management cooperation program, was significantly associated with improved pro-

ductivity and product quality. On the basis of these and related studies, therefore, grievance procedure usage, that is, the exercise of voice by union workers, is inimical to organizational performance.⁹

A different conclusion emerges from studies of human resource management (HRM) practices and business performance that include the presence of a formal grievance procedure or the percentage of employees covered by a grievance procedure as one among several component or bundled HRM practices. For example, Mitchell et al. (1991) found significant positive relationships between an index of the formality of HRM practices, including a grievance procedure, and return on assets, return on investment, and revenue per employee in a sample of 495 business units of U.S. companies. Huselid (1995) included the percentage of employees covered by a grievance procedure in one of two main indexes of high-performance work practices and found significant positive relationships between these indexes and worker productivity and significant negative relationships between these indexes and worker turnover in a sample of 855 U.S. companies. That study also found that worker productivity was significantly positively related and worker turnover significantly negatively related to both market and accounting-based measures of company financial performance — findings similar to those reported by Arthur (1992) in his studies of steel manufacturing firms. In another study, also set in steel manufacturing, Ichniowski et al. (1997) included the presence of a formal grievance procedure in their measures of innovative bundles of HRM practices and found broader bundles to be significantly positively associated with plant productivity and product quality. Similarly, MacDuffie (1995) found significant positive relationships between expansive HRM bundles and plant performance in a multi-country study of the automobile industry. These various empirical findings are consistent with theoretical frameworks offered by other scholars (Levine, 1995; Eaton and Voos, 1994, 1992), who contend that for innovative HRM practices, especially employee participation in decision making, to have positive effects on organizational performance, these practices must be part of a larger HRM system that includes guarantees of worker due process — in particular, a grievance procedure.

In sum, the main conclusion to be drawn from extant studies of HRM and business performance is that the presence or availability of a grievance procedure is positively associated with organizational performance, especially when bundled with certain other high-involvement-type HRM practices. By contrast, actual grievance procedure usage, that is, grievance filing, is negatively associated with organizational performance. Consequently, when union workers actually exercise voice in the employment relationship, not only is the conflict resolution effectiveness of such voice problematic, efficiency and overall organizational performance appear to be negatively affected. This is a far cry from the positive collective voice/institutional response face of unionism celebrated by F&M that forms the core of their theoretical perspective on workplace conflict and dispute resolution.

IX. *Conclusions and Overall Assessment*

The central proposition advanced by F&M is that the collective voice/response face of unionism more than counterbalances the monopoly face of unionism. Following this reasoning, it may be concluded that union workers would remain unionized and nonunion workers would become unionized. But what if the collective voice/response face of unionism does *not* more than counterbalance (let alone “dominate”) the monopoly face of unionism? Suppose that, consistent with the evidence presented herein, the exercise of voice in the employment relationship leads to further deterioration of the employment relationship rather than to the effective redress of worker grievances? In this circumstance, existing unions would lose members, and unorganized workers would choose not to become union members.

Supposition aside, there is no question that unionization continues to decline sharply. When F&M’s book first appeared, about one in five private sector workers belonged to a union; today, less than one in eight private sector workers belongs to a union. But while F&M and, later, Freeman and Rogers (1999), attributed the decline in unionization to employer/management opposition and weak labor law, some of this decline can be attributed to *worker* resistance. Such resistance may stem, in turn and following F&M, from recognition of the net negative consequences of unionism’s monopoly face, but also, and contrary to F&M, from recognition of the net negative consequences of unionism’s collective voice/response face. If workers judged unions’ voice response face, in particular, grievance procedures, to be effective in redressing worker grievances, more union workers would likely remain union members and more unorganized workers would join unions — even in the “face” of employer opposition. While there is little question that there are widely varying types of real-world employment relationships or that unions are best suited to protecting worker interests in certain of these (usually highly adversarial) relationships, the fact that workers as a whole decreasingly choose to become union members suggests that they do not perceive union voice to be effective in redressing deteriorated employment relationships or to be more effective in this respect than nonunion voice options. Such reasoning is consistent with the picture sketched in this paper — a different picture from that forwarded by F&M — of unionism and grievance procedures as largely reactive, adversarial-oriented mechanisms for dealing with workplace conflict resolution, especially in a pluralist, mixed-motive type of employment relationship.

Furthermore, this reasoning is helpful for understanding how F&M so strongly concluded that the positive effects of unionism’s collective voice/response face counterbalance the negative effects of unionism’s monopoly face. In particular, F&M appear to have adopted an extreme interpretation of a key assumption made by Hirschman, namely, that deterioration in the organization-member relationship is the starting point — the necessary condition — for an individual to choose between the voice and exit options. Hirschman’s (1970) book is subtitled *Responses to Decline in Firms, Organizations and States*, meaning that “exit and voice are options to be weighed once one has experienced deterioration, perceived or actual, in one’s relationship to an organi-

zation" (p. 31). In the context of the employment relationship, therefore, workers who experience deterioration of their relationships with employers will respond either by exiting (that is, quitting) or by exercising voice so as to redress their deteriorated employment relationships. Following F&M's reasoning, workers in a deteriorated state choose unionism as their voice mechanism and exercise voice by negotiating collective agreements that include grievance procedures culminating in arbitration. This, in essence, is what F&M mean by the collective voice/institutional response face of unionism. But, if so, how can the claim that F&M are overly extreme in following the deteriorated state condition of Hirschman's framework be substantiated?

Consider that by comparing union with nonunion workers, as in F&M's analysis of unionism's effects on worker quits, all union workers are in effect presumed to be in a deteriorated state with respect to their employment relationships and all nonunion workers are presumed not to be in a deteriorated state with respect to their employment relationships. Yet, if formal grievance activity is regarded as an indicator of employment relationship deterioration, most union workers don't experience employment relationship deterioration (that is, don't file grievances), and some nonunion workers (covered by grievance procedures) do experience such deterioration (that is, file grievances). In other words, when it comes to employment relationship deterioration, recent grievance procedure research suggests that the record is more mixed than is reflected in the singular union worker-nonunion worker dichotomy that characterizes F&M's theoretical perspective on and empirical treatment of conflict and dispute resolution.¹⁰

Furthermore, for both union and nonunion workers who do experience deteriorated employment relationships, exit and voice are not the only available response options. An additional response option is "silence," as has been reported in several empirical studies (Rusbult et al., 1988; Boroff and Lewin, 1997; Lewin and Boroff, 1996), including those that limit the analysis to workers who believe that they experienced unfair workplace treatment (a specific measure of employment relationship deterioration). Silence in the face of unfair workplace treatment may result from workers' fear of reprisal for filing grievances (Lewin and Peterson, 1999; Boroff and Lewin, 1997; Bemmels, 1997), but may also result from workers' judgments that the cost of exercising voice, such as through filing a grievance, will exceed the value to be gained from exercising voice, or that a particular episode of unfair workplace treatment is not substantial or severe enough to warrant filing a grievance. This reasoning also applies to certain non-workplace examples discussed by F&M (pp. 7-8), such as when a diner whose soup is too salty decides neither to complain nor to stop patronizing the restaurant, or when an unhappy couple choose neither to argue nor seek divorce. Silence as a response option in the face of unfair workplace treatment is further supported by the finding that older, more experienced workers are less likely to file grievances than younger, less experienced workers. The inference from this finding is that age and experience bring with them a certain maturity such that not every instance of unfair treatment is regarded as serious enough to merit exit (quitting) or voice (filing a grievance) or incurring the risks of either choice.

F&M's particular interpretation of the deteriorated state condition of Hirschman's framework may also in part be responsible for their portrayal of unions as typically battling overzealous, combative employers as well as for their call for labor law reform to, in effect, increase unionization. If the deteriorated state of worker's relationships with their employers is indeed the primary motivation — the antecedent condition — for such workers to unionize and negotiate with employers to reach collective agreements that contain formal grievance procedures, unionization and grievance procedures are in effect reactive institutional mechanisms in so far as conflict and dispute resolution are concerned. Positioned this way, union-management bargaining and labor relations are more likely to be adversarial than cooperative, and grievance filing reflects a relatively negative exercise of voice, especially if such voice is exercised in a pluralist, mixed-motive type of employment relationship.¹¹ By contrast, and as noted earlier, much of the research on and practice of high-involvement human resource management as well as ADR that has evolved over the last two decades or so, and that focuses primarily on nonunion firms and workers, can be said to reflect a unitarist conception of the employment relationships featuring relatively more proactive, positive approaches to workplace conflict and dispute resolution — approaches that may also presuppose a relatively high degree of worker loyalty to the employer/firm and a relatively high degree of worker interest in intrinsic rewards (Benabou and Tirole, 2003).

This contrast not only provides a basis for assessing F&M's larger conclusion that "the voice/response face of unions dominates the monopoly face" (p. 20), but also for assessing F&M's normative judgment that "the ongoing decline in private sector unionism . . . deserves serious public attention as being socially undesirable" (p. 251). It is quite clear — and F&M helped to make it clear — that the monopoly face of unionism has contributed to the sharp decline in worker unionization. This monopoly face plays out such that while unions achieve higher, above market, collectively bargained pay and benefit rates for their members, unionism is also significantly negatively associated with firms' research and development expenditures, capital investment, profitability, and market value. Union firms thus have incentives to reduce the employment of union workers, shift work to nonunion workers and to lower (labor) cost regions and nations, substitute capital and technology for union labor, and even exit a business or industry segment altogether.¹² And, if these incentives were present when F&M's book appeared, they have surely grown stronger in light of the rapid increases in global competition, deregulation, and technological change that occurred since then. It is hardly surprising, therefore, that nonunion firms strongly resist the unionization of unorganized workers.

F&M went further, however, and claimed, "managerial opposition to unionism has increased by leaps and bounds" (p. 230). Writing 15 years later, Freeman and Rogers (1999) went still further and concluded, "the main reason . . . workers are not union is that the management of their firms does not want them to be represented by a union" (p. 89). In this regard, Freeman and Rogers' (1989) survey data indicated that 40 percent or more of nonunion workers want union representation. On the one hand,

there is little question that F&M as well as Freeman and Rogers are correct in emphasizing employer opposition to unions as an important contributing factor to the decline in unionization — an argument also made by numerous other industrial relations scholars. On the other hand, because industrial relations research has long emphasized employer opposition as an important barrier to union growth, it is questionable whether such opposition is quantitatively or qualitatively different today (or when F&M wrote their book) from earlier periods. Indeed, it may validly be argued that employer opposition to worker unionization is a constant or enduring feature of U.S. industrial relations.

Let us suppose, however, that there is another dynamic at work in all of this, namely, the worker as a “customer” or potential customer of a union. As with a firm that is unable to attract customers or whose customers switch (exit) to other firms or choose to stop purchasing a particular product entirely, a union that is unable to attract worker-members or whose members choose to sever their membership or work elsewhere must consider the underlying reasons for such behavior. From this perspective, and consistent with F&M’s reasoning, workers, like employers/managers, learn about the monopoly face of unionism and decide that union membership is, on balance, too costly. In addition, however, and consistent with the reasoning advanced in this paper, workers learn about the collective voice/institutional response face of unionism and decide that union membership is, on balance, similarly too costly. From this perspective, the decline of private sector unionism continues in part because of worker preferences rather than, or in addition to, rising employer opposition to unionism. Following this reasoning, F&M’s recommendations for revising labor law, strengthening unions’ voice/response face, and weakening unions’ monopoly face are also unlikely to reverse unionism’s decline.¹³

In retrospect, there is no question that F&M (1984) produced one of those rare, admirable books that importantly influences a field of scholarly inquiry, shapes the types of questions posed by scholars in that field, explicitly (and readably) argues a particular point of view about the key issue under study, draws clear conclusions from the evidence assembled for the study, and offers specific recommendations for public and private action regarding the key issue. In all these respects and more, F&M’s book is a hallmark of industrial relations scholarship.

A related hallmark of scholarship, however, is critique, new analysis, and reassessment of received knowledge. In these respects, I have argued that F&M’s theoretical perspective on conflict and dispute resolution, conclusions about the collective voice/institutional response face of unionism, and recommendations for public and private action to reverse the decline of unionism, are for the most part not supported by the scholarly research that has appeared since the publication of *What Do Unions Do?*.

NOTES

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¹Space limitations preclude discussion of other discipline or problem-based approaches to the study of conflict and dispute resolution, including organizational psychology (Nye, 1973; Leavitt, 1964) and sociology (Pondy, 1967; March and Simon, 1958), game theory (Shubik, 1964; Luce and Raiffa, 1957), labor relations (Kochan and Verma, 1983; Barbash, 1964), bargaining and negotiation (Ertel, 2000; Lax and Sebenius, 1986; Chamberlain and Kuhn, 1965; Dunlop and Healy, 1953), international relations (Ikke, 1964; Schelling, 1960) and third-party dispute resolution (Stevens, 1963; Kagel, 1961). For a review, see Lewicki et al. (1992).

²Following F&M, union-induced reductions in quits and increases in job tenure should provide incentives to employers to invest more heavily in human capital (through training, for example), with consequent productivity increases. But as Addison and Belfield (2004) observe, "we can . . . credit unions with lower turnover. But it may be a modest victory . . . we do not know whether the reduction in quits is optimal or, expressed another way, whether it adds materially to productivity. Nor for that matter is the basis for any such effect transparent. This is most obviously the case because of seemingly greater dissatisfaction of union workers" (p. 21).

³This litigation threat also strongly implies that, among nonunion firms with dispute resolution procedures, the proportion of those procedures that include arbitration as a settlement step will rise considerably beyond the one-sixth to one-third of such procedures presently estimated to contain an arbitration step.

⁴Though ancillary to the focus of this paper, F&M's characterization (pp. 103–104) of seniority-based personnel policies as a union-induced innovation seems misplaced. While initially observing that "one of the major differences between union and nonunion work settings is the greater importance of seniority under unionism" (p. 135), F&M later say, "some nonunion firms place as much weight on seniority in layoffs as do union firms" (p. 154). This suggests that seniority-based personnel policies are not a union-induced innovation. Support for this view is provided by Selznick (1969), who found that seniority was the principle criterion used by nonunion firms (and by partially union firms for their nonunion workers) to make promotion, layoff, transfer, work assignment, and other personnel decisions.

⁵Notable as well is the finding from several studies of grievance dynamics in union and nonunion firms that younger workers are significantly more likely than older workers to file grievances (Lewin, 1999; Lewin and Peterson, 1988; Labig and Greer, 1988). This finding runs counter to F&M's argument that the grievance procedure is a conflict resolution mechanism especially favored by older, more permanent, infirm/marginal workers.

⁶Hirschman's concept of loyalty appears one-dimensional, that is, focused on a customer's loyalty to the firm or a citizen's loyalty to the community. In the employment context this translates into a worker's loyalty to the employer, and empirical studies of grievance behavior that rely in part or in whole on Hirschman's framework are also one-dimensional in that they measure only worker loyalty to the employer (Boroff and Lewin, 1997; Lewin and Boroff, 1996). In union settings, however, it would be possible to measure dual loyalty, that is, worker loyalty to the employer and to the union. This would enable comparisons of union-nonunion worker loyalty to the employer to determine if such loyalty is moderated by loyalty to the union and how, if at all, dual loyalty is related to worker choice of voice or exit behavior. On the modeling and measurement of dual loyalty to the employer and union, see Magenau and Martin (1999) and Fullager (1991).

⁷That this reprisal explanation applies even more strongly to supervisors of union grievance filers than to the grievance filers themselves is reflected in the post-grievance settlement turnover analysis conducted by Lewin and Peterson (1999). That analysis found significantly higher involuntary turnover, that is, termination, among supervisors of grievance filers than among supervisors of non-filers, and a significant negative regression coefficient on a supervisor grievance procedure involvement variable in an involuntary turnover equation but not in a voluntary turnover equation. By comparison, grievance filers had signifi-

cantly higher voluntary but not involuntary turnover rates than non-filers in the post-grievance settlement period, and significant positive regression coefficients on a worker grievance filing variable were found in separate total turnover and voluntary turnover equations.

⁸Unlike in the union firms, however, supervisors of grievance filers in the nonunion firms had significantly higher voluntary *and* involuntary post-grievance settlement turnover rates than supervisors of non-filers. When combined with findings from the union firms, this evidence suggests that supervisors of union grievance filers are more likely to experience reprisal, specifically in the form of termination, than supervisors of nonunion grievance filers. Because supervisors are not covered by the grievance procedures in union firms but are often covered by such procedures in nonunion firms, these findings further suggest that, by sharpening the distinction between workers and supervisors, unionism increases the probability that supervisors will be terminated for their "involvement" in grievance activity.

⁹A similar conclusion is reached by Belman (1992), whose review of the literature on grievance procedure usage and manufacturing plant performance emphasizes the grievance rate as a measure of labor-management relationship conflict. One study (Kleiner et al., 1995) found that the lowest levels of labor costs in aerospace manufacturing plants were associated with moderate (rather than low) levels of grievance activity.

¹⁰This observation is also relevant for assessing empirical studies of grievance initiation and settlement, most of which fail to distinguish among workers who have and have not experienced employment relationship deterioration (for an exception, see Boroff and Lewin, 1997).

¹¹It may also be useful in this regard to think of strikes as a "macro" form of employee voice, as compared with grievance filing as "micro" form of employee voice. Both forms manifest conflict that requires resolution, with strikes more clearly reflecting the mix of voice and power and the tendency of union-management relations to be adversarial. That, as noted earlier, grievance filing by union workers increases as the time to re-negotiate a collective bargaining agreement draws nearer further supports the notion that grievance procedures largely operate in and contribute to an adversarial labor-management climate. Thanks to a referee for suggesting this macro-micro distinction.

¹²F&M (1984) contend that unionism increases worker productivity, which, *ceteris paribus*, should reduce employer opposition to unionism and perhaps even stimulate employer support for unionization. But of course union-induced increases in productivity must be offset against union-induced increases in labor costs. If the net effect is to reduce unit labor costs, employers should support worker unionization; if the net effect is to increase unit labor costs, employers should oppose unionization. The sharp decline in the unionization of U.S. workers implies that unit labor costs, on balance, increase under unionism.

¹³While labor law has not been revised since publication of F&M's (1984) book, employment laws such as the (1964) Civil Rights Act and the (1970) Employee Retirement Income Security Act have been revised, and new laws, such as the (1993) Family and Medical Leave Act, have been enacted. The extent to which such legislation is effective in protecting employee rights and resolving employment-related conflicts is, to this point, an open question, as is the relative effectiveness of legislation, unionism and ADR in these respects.

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