

# The Dynamics of Strategic Militant Managerialism: Analysis of a “Strike”

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*The collectivisation efforts of employees evoke strong responses from managements seeking to survive in an uncertain and turbulent environment. The contours of these responses are explored through the analysis of a union mobilization initiative of pilots of an Indian airline company. The pattern of response which emerges from this foray into contemporary industrial relations can best be characterized as “strategic militant managerialism”. The company has its own threefold compulsions revolving around commercial pressures, customer service considerations and competitor actions in responding the way it did in the face of union mobilization efforts of the pilots. The union forming efforts are resisted through a variety of means and interventions based on the “hard positional bargaining mode” with all the consequents for industrial relations processes as well as outcomes.*

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## Conceptual Foundations

One hundred and eleven hours and forty-five minutes between the midnight of September 7/8 and mid afternoon of September 13, 2009 saw an action packed drama which gripped one of India's private airlines which had assiduously built up the image of a truly world class airline with state of art aircrafts, skilled pilots, professional cabin crew and commercial staff and use of modern technology for efficient customer interface and service quality. Given the standing of the airline in the Indian civil aviation firmament and the sheer audacity of the action by the pilots of the airline and the equally aggressive reaction by the airline management, the 5 day industrial relations thriller was covered extensively and in depth by the electronic and print media making it possible for the independent observers and researchers to get a fairly accurate picture of what transpired during the live action. Another major advantage from a research angle was the incredibly candid articulation of the viewpoints on various issues by the stakeholders engaged in the action. The media coverage combined with the candid expression of views helped in recon-

struction of the emotions and the thinking behind the actions which forms the basis of this analysis and interpretation of the event to gain insights into the dynamics of industrial relations in a liberalized, marketized contemporary context.

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This case provided an understanding of managerial response patterns in the context of turbulent industrial relations, where the need for engaging with dilemmas in a more humanist way (Battisti & Eiselen 2008) comes into direct conflict with the challenge of market survival in a recession ridden, high operations cost environment. Before dissecting the case narrative which forms the basis of this study, an attempt could be made to develop a theoretical perspective to facilitate analysis and interpretation of the contours of managerialism in the context of turbulent industrial relations. Disputes among stakeholders in industrial relations occur when differences arise over issues. As the engagement unfolds, the issue gets articulated initially in the form of positions taken by each of the stakeholders on the issues on the table. Positions are but explicit expressions of stakeholder interests related to the issues. It is the pattern underlying this episode which this paper wishes to capture, conceptualize and critique.

First, a brief description of the Principled Negotiations approach within which the Positions-Interests analysis of issues has been developed (Fisher-Ury-Patton Model of Principled Negotiations 1991):

- Stakeholder Relationship dynamics influences the definition and articulation of issues in a disputes situation
- The ability to address issues with a clear stream of reason gets further affected by stakeholders taking rigid and often inflexible positions on issues leading to destructive and denigrative communication in stakeholder exchanges
- Finding sustainable solutions in spite of stakeholder differences on issues requires veering away from a positional approach towards exploring interests underlying the differences.
- The process of finding sustainable solutions will be further strengthened if solution options are generated around all the interests of the stakeholders rather than just one's own interests.
- Wise outcomes become even more feasible if the options generated are evaluated based on independent and objective standards and criteria.
- Incumbent on the stakeholders is the need for always seeking alternatives to the present arrangements and pursuits as a walk away avenue in order to avoid getting short changed.

The key to the Principled Negotiations Method is the concept of interests. Wise agreements flow from exploring stakeholder interests, rather than through a creativity sapping focus on positions. "Your position is something you have decided upon. Your interests are what caused you to so decide"[Ibid: 42].

Approaching issues in terms of positions is the foundation of the "bargaining" mode to address differences. In the bargaining engagement, the stakeholders are warriors, the issues at hand become the battleground, the weaponry takes the form of positional posturing and the outcome envisaged is of a victor on the one hand and the vanquished on the other. And the angst of workers increases when they are rendered as the vanquished, and there emerges a 'refusal of those who live from the sale of their labour-power to submit passively to the neo-liberal misery and injustice' (Memos 2009: 220). There are twin processes at play: each contending stakeholder-warrior is trying to "gain" with dag-

gers drawn while simultaneously the stakeholders are also trying hard to "bar" the other contenders from gaining. Charged emotions, frayed nerves, acid tipped tongues hurling barbs and invectives, wasted energy form the building blocks of the "hard" positional bargaining mode means that at least one party will "lose" the dispute. The shift from a bargaining mode to a negotiations mode is achieved primarily through moving the engagement from a positional mode to an interests based mode. Shifting the focus to the stakeholders' underlying interests is the foundation of the search for better processes, better relationships and better outcomes. Interests centric options generation and subjecting the options to an evaluation based on the standards prevailing in that context and benchmarking with what the alternatives have to offer is the process based solution to the resolution of differences on issues on the basis of integrity, sustainability, collegiality and mutuality. The three patterns of responses have been profiled as follows by Fisher, Ury and Patton (1987)

<b>Soft Style of Positional Bargaining</b>	<b>Hard Style of Positional Bargaining</b>	<b>Principled Negotiation</b>
? Participants are friends	? Participants are adversaries	? Participant are problem solvers
? The goal is agreement	? The goal is victory	? Goal is a wise outcome reached efficiently & amicably
? Make concessions to cultivate the relationship	? Demand concessions as a condition of the relationship	? Separate People from the problem
? Change your position easily	? Dig into your position	? Focus on interests, not on positions
? Disclose your bottom line	? Mislead as to your bottom line	? Avoid having a bottom line
? Yield to pressure	? Apply pressure	? Reason & be open to reason; yield to principle, not pressure

The problem when it comes to taking the positions-interests discourse to con-

crete domains of human interface like industrial relations disputes is that the

entire edifice of this arena is founded on the “gain-and-bar” syndrome best exemplified by the nomenclature itself by which this practice area is known - “collective bargaining”. Bargaining is the primary mode although bargaining itself may come in various forms like distributive bargaining, integrative bargaining, pattern bargaining and so on. And bargaining becomes the basis of the politics of industrial relations (Stuart 2007). Hence there is a need to examine the positions-interests dynamics and how it plays out in the context of industrial relations disputes resolution. While initial engagement is invariably positional, unless there is a movement towards interests articulation and options generation in terms of interests prevailing in a disputes situation, what can and does happen is a hardening of positions leading to a point of no return. Hardened positions push stakeholders into rigid posturing and, given the contextual compulsions, market dynamics forces stakeholders into a militant confrontation. Industrial relations founded on positional power play becomes the rule rather than the exception.

**Bargaining becomes the basis of the politics of industrial relations.**

Several systematic attempts have been made by industrial relations theorists to develop theoretical perspectives on industrial relations. A few illustrative “disciplinary” perspectives may be taken to develop insights into alternative Stakeholder Response Frames in disputes situations. For instance, Dunlop's pioneering Industrial Relations Systems Model was

influenced by Talcott Parson's sociological frame of reference revolving around what he terms as the four “functional imperatives’ in inducing orderliness and containing conflict (Parsons & Smelser 1956:19). The Dunlop Stakeholder Orientation Frame is founded on regulated orderliness in which substantive rules and procedures seek to minimize the deleterious effects of differences which may arise in the definition, clarification and articulation of interests in stakeholder relationships constituted by the contract of employment (Dunlop 1958:28-29). The focus is more on preventive control and the containment of conflict through rule-making and the establishment of orderliness, stability, control, compliance and conflict containment rather than on how or why conflict is generated. Eventually, the sufferings of workers, including near serfdom (Dundon, Gonzalez-Perez & McDonough 2007) are perceived through these frames.

Flanders (1970:213-40) enunciated his pluralist approach to industrial relations drawing from the theories of Durkheim (1947), Chamberlain & Kuhn (1951), Webb & Webb (1897) and Webb & Webb (1902). “Job regulation cannot be studied in the abstract. It must be observed embodied in institutions and operating through processes. Consequently, the student of job regulation must study both institutions and processes” (Clegg 1979: 451). The entire thrust of this approach is oriented to the containment of conflict through institutionalization and regulation of the structure and process of union-management relations. Other British theorists have also developed the plu-

ralist approach, notably Clegg (1979) and Fox (1971). Clegg, however, acknowledges that there is no equality of power between bargaining partners in the context of collective bargaining dimensions like extent of bargaining, depth of bargaining, level of bargaining, degree of control over collective agreements, scope of agreements, union structures and union security (Clegg 1976). Fox advocated the radical pluralist approach to industrial relations drawing upon Durkheimian and Marxian sources. Fox made a distinction between "unitary" and "pluralist" conceptions of industrial organizations, the former recognizing only one source of legitimate authority whereas the latter concept accepts the reality of several interest groups invested with power (Fox 1974:15). Thus the pluralist school placed emphasis on the institutionalization of workplace regulation (institutionalized orderliness). Amidst the different schools of thought is a sense of tension of the situatedness of industrial relations in the context of labour movements (Santana & Braga 2009). And yet there is also the acknowledgement that the acceptance of institutionalized pluralism in stakeholder connectedness does not change the reality of unequal power between the owners and agents of capital.

Weber (1968) was primarily concerned with modern society, in which behaviour had come to be increasingly dominated by goal-oriented rationality and less and less by tradition, values, or emotions. "Advocates of an action approach suggest that analysis should begin with the orientations to work of the actors concerned, with the way in which

workers order their wants and expectations relative to their employment, with the meaning the work has for them. Such orientations, wants, expectations and meanings are of importance because they are not to be seen as varying randomly from individual to individual but as being socially shared" (Brown 1973:19-20). The emerging stakeholder orientation frame can best be termed as Interpretative Engagement Orientation in which industrial relations stakeholders are "subjects" capable of bringing meaning to the interactions as the relationships evolve through actions driven by not only instrumentality but also by normative orientations, emotions, sentiments and traditions in the choice of ends and means. And it is these normative orientations that are accessed in projects of conscientisation of workers (Horowitz 2009).

Marxian analysis of industrial relations has also taken several forms. Lenin (1978) was emphatic about the limitations of trade union consciousness in his "What is to be done". Trotsky (1977) has also expressed himself rather categorically on the limited role of trade unions under capitalism. Michels (1959) familiar with democratic reality said that the "iron law of oligarchy" also applied to the structure and process of decision-making in trade unions. But with or without trade unions, workers respond to the inherent alienation of wage work through creative resistance (Schoneboom 2007). Marx and Engels in their writings have their own distinctive variant in analyzing industrial relations. "In all branches of industry trade unions were formed with the

**With or without trade unions, workers respond to the inherent alienation of wage work through creative resistance**

outspoken intention of protecting the single working-man against the tyranny and neglect of the bourgeoisie. Their objects were: to fix wages and to deal, en masse as a power, with the employers, to regulate the rate of wages according to the profit of the latter, to raise it when opportunity offered, and to keep it uniform in each trade throughout the country" (Engles 1975 : 222-23). Marx in his writings also sees a role for trade unions in the context of the capitalist mode of production - "Competition divides their interests. But in the maintenance of wages, this common interest which they have against their boss unites them in a common thought of resistance-combination" (Marx 1973: 150). Trade unions, in Hyman's writings (1977), represent "workers' response" to the deprivations inherent in their role as employees within

a capitalist economy - opposition and conflict cannot be divorced from their existence and activity. "An unceasing power struggle is therefore a central feature of industrial relations" (Hyman 1977: 26). The stakeholder response orientation which emerges can best be termed as "Workplace Humanization Struggle" orientation. And workplace humanization is critical for the sake of the dignity of workers (Sayer 2007).

**Alternative Stakeholder Response Frames**

Combining the Fisher et al Principled Negotiations Method and the four industrial relations response patterns, a conceptual framework for industrial relations management practice can be constructed as follows: Industrial Relations Stakeholders whose response patterns flow from a regulated-institutionalized perspective would tend towards an approach best described as Strategic Militant Managerialism with the following elements and ingredients:

**Strategic Militant Managerialism Response Pattern**

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Unitarist</li> <li>• Control oriented</li> <li>• Divide and Rule Policy</li> <li>• (Walton &amp; Mckersie Ch. 2 1965) (Tannenbaum 1967)</li> <li>• Competitive Performance, Survival and Growth in product-market environs (Chandler 1962) (Tichy et al 1982)</li> <li>• (Peters&amp;Waterman1982) (Gospel1983)(Ansoff 1984) (Beer et al 1985) (Kochan et al 1986) (Andrews 1987)</li> </ul> | <ul style="list-style-type: none"> <li>• Unilateralism or Management</li> <li>• Positional</li> <li>• Adhoc</li> <li>• Opportunistic</li> <li>• Gamesmanship</li> <li>• Oneupmanship</li> <li>• Brinkmanship</li> <li>• Business phase orientation</li> <li>• Substance demarcation</li> <li>• InstitutionalizedCollective relations</li> <li>• HRM orientation</li> <li>• Limited attempts in participatory management</li> </ul> | <ul style="list-style-type: none"> <li>• Sectarian (own) interest dominant</li> <li>• Manipulative</li> <li>• Exploitative</li> <li>• Denigrative</li> <li>• Vindictive</li> <li>• Workers viewed as objects</li> <li>• Unions viewed as subversive</li> <li>• Short term orientation</li> <li>• Commercial interest dominant</li> <li>• Organizational centric</li> <li>• Situational orientation</li> <li>• Worker as input cost to be controlled</li> <li>• Union as subversive</li> </ul> |
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### **Synergic Mutualism Response Pattern**

Industrial relations which flows from an interpretative-humanization-commu-

nitarian world view would tend towards a Synergic Mutualism based Response pattern with the following elements and ingredients:

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- Creating a corporate community based on competitive excellence and concerned mutuality (Walton & McKersie (1965:Cha 4); Kochan et al (1986) Heckscher (1988 )
  - recognition of diverse interests and acceptance of stakeholder voice
  - Learning orientation
  - commitment to democratic principles in interactional processes
  - Bilateral or multilateral negotiations as the basis of problem solving
  - experimentation in participation at the strategic, functional and operational levels
  - Employees viewed as subjects capable of creative contribution
  - Processes and relations as important as tasks and targets.
  - Mutuality as the basis of the relationship including concern for livelihood of employees
  - Unions as collective voice to sustain humanization of the workplace
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### **The Research Questions**

The questions which will be examined through an analysis of the case narrative in this paper will be as follows:

- What is the pattern of managerial responses Strategic Militant or Synergic-Mutual?
- What are the managerial compulsions which determine managerial responses?
- What is the structure of managerial power and how does managerialism utilize levers of power in gaining control over the situation?
- What is the managerial mindset and the resultant actions in the context of employee mobilization?
- What is the pattern of employee and employee leadership response in the

context of mobilization and direct action?

- What is the mindset of employee collectives and the action pattern during organized direct action processes?

The data sources for this paper are given at the end, serially numbered. All quotations and descriptions have been reproduced from published sources. Textual links are provided to the source from which quotations and episodes have been taken (see the number in [ ]). The full text of the case as well as sources is available with the author.

### **Case Analysis & Interpretation**

On September 7th/8th midnight, the pilots union NAG withdrew the strike and simultaneously they individually went on sick leave disrupting domestic

and international services. Caught off guard, management termed the pilots action as “sabotage of operations” [1]. The airline in a press statement said that a section of the pilots have resorted to a “simulated strike by reporting sick”, which will damage the airline's operations and inconvenience the travelling public [1]. A total of 186 flights 154 domestic and 32 international had been cancelled or affected throughout the network, the airline said. The strike also grounded most of the carrier's domestic flights [26]. Referring to the directions of the Labour Commissioner, the statement said, “The concerned Airways has been in a conciliation process with the pilots... any strike by the pilots during this pendency of conciliation, would be deemed an illegal act”. On a management petition, the Mumbai High Court issued a contempt notice to the pilots' guild for continuing the agitation despite its restraining order [44]. The Chairman of the airline said, “The Mumbai HC has given a judgement that they must start working. We have been telling them that they must report for duty as per the HC order. Many have reported sick today but we know they are not sick”. The Chairman also said he won't bow to “blackmail from pilots” and threatened to sack more pilots, if necessary. “Pilots are not reporting for their duties. They are taking the law in their hands. The Mumbai High Court has said the strike is illegal. It's pure contempt of court,” he said. Earlier, the Chairman had threatened to shut down the airline in case the crisis continued [40]. The Chairman further said: “They (the pilots) are behaving like terrorists....” [44]. “They cannot hold

the country, passengers and the airline hostage. We won't tolerate such blackmail. The livelihood of more than 30,000 employees of Jet Airways is at stake. I am open to meeting and talking to the pilots. I will be more than happy to meet them. But they cannot harass the passengers”. He is also said to have met some pilots who were on leave in a bid to resolve the issue [50].

The airline management took disciplinary action against five more pilots, taking the total to eight since the strike began. But that did little to deter the National Aviators Guild (NAG) that was spearheading the strike [33]. “We will not disband the union,” he told reporters. “We want to work with dignity. There is already a scarcity of trained pilots and we are qualified enough to get jobs elsewhere”, he added. Maintaining that they were ready for talks with the management, the pilots' leader said: “The Chairman is being misguided. We were sent an e-mail saying our services are no more required....If you want to leave the organization, you are asked to serve a notice period of six months. But your job is terminated in six minutes” [34].

But significantly for the airline, both full-service and low-cost carriers came out strongly in support of the management. “We cannot tolerate labour terrorism by employees who get salaries above Rs 4 lakh a month,” said a senior executive of a leading private airline, adding, “Also, at a time of recession for the industry we are concerned that the pilots' attitude might spread to other airlines too. At this moment everyone has to make

sacrifices." There was appreciation for the airline Chairman's tough stance. "He has not budged an inch and that is the right way. We fully support his moves. I don't see the pilots getting support from any other employees who distrust them," added the CEO of a low-cost carrier [16].

**The action of dismissal of two pilot leaders in the midst of a union mobilization effort is evidence of what can be termed as "militant managerialism".**

The action of dismissal of two pilot leaders in the midst of a union mobilization effort is evidence of what can be termed as "militant managerialism" which is founded on a "regulated orderliness" normative frame and is mandated to strive towards the establishment of orderliness, stability, control, compliance and conflict containment, rather than to expend effort on determining how or why conflict is generated. Militant managerialism as a corollary also pursues a mode of functioning which Fisher, Ury and Patton (1987) have profiled as the Hard Positional Bargaining mode in which the disputants are adversaries ("labour terrorists"), the goal is victory ("No union even if the firm has to be closed down"), concessions are a condition of the relationship ("return to work without any condition"), dig deeper and deeper into their own position ("no reinstatement"), mislead as to the bottom line ("open for talks on all issues"), and apply pressure relentlessly (dismissed 5 more pilots including the President of the firm's own union "sur-

**Militant managerialism pursues a "divide and rule" strategy.**

rogate"- Society for the Welfare of Indian Pilots SWIP). Militant managerialism pursues a "divide and rule" strategy (expat pilots versus indigenous pilots, absenting pilots versus on duty pilots, pilots versus other airline staff, management versus pilots, customers versus pilots, state agencies versus agitating pilots). Militant managerialism engages in various forms of gamesmanship and brinkmanship (dismissal of key union leaders), denigrates adversaries (denounce and decry agitating pilots in the media, states sudden stoppages are anti customer and advantageous to competitors), takes vindictive action (dismissal of more pilots). Militant managerialism sees unions as subversive and pilots as dispensable commodities. The language of militant managerialism used to challenge the pilot action is also strong and provocative sabotage, illegal act, blackmail, labour terrorists, threat of more sackings, closure, condemnation of inconvenience to travelling public. The "demonization" of pilot leaders and agitationists using terrorist imagery amplified by similar sentiments expressed by executives and leaders of other airlines through the electronic and print media served to evoke strong negative reactions towards not only union mobilization efforts but also the disruptive protest action of mass absence on sick leave demanding the reinstatement of dismissed pilot leaders. The sheer force of the onslaught and the din created by militant managerialism served

visibly to diminish the actions of pilots engaged in the dispute over the registration of a pilot union and the reinstatement of dismissed pilot leaders.

### Commercial Compulsions

Militant managerialism to gain control of a situation in which union mobilization is happening has its own strategic compulsions, even though managerialism recognizes the need for belongingness and ideas of conformity from which it becomes difficult to deviate (Nocker 2009). When the disruption of operations started, stocks of the airline fell sharply in the early trades after the airline announced that it would cancel 115 flights due to strike by pilots but staged a come back and ended with gains as the airline announced that it was in negotiations with investment banks to raise funds by the end of the year and that it was also looking to sell and lease back aircraft. The stocks were up 2.6% by the end of the trading day [9].

Such disruptions also affect customer retention and loyalty in an already severely recession ridden environment. The airline holds a 26.3 per cent share of the domestic passenger market that carries 100,000 passengers a day [15]. "The per day bookings have come down to 14,000 from 23,000 [19]. International bookings had dropped to 9,500 per day from 10,500 [25]. The airline had posted a net loss of Rs 2.25 billion in the first quarter ended June 30, 2009. It was apprehended that a prolonged strike would further jeopardize the airline's already precarious financial position [28]. Argu-

ments such as financial precariousness, among others, are used to re-configure forms of work which create insecurities for workers (Helms 2007) and to persuade agitating employees about the negative fall out of their disruptive actions.

**With predominant concerns about profitability, the concerns of workers may be rendered subservient and precarious.**

According to analysts, though the strike could actually be a partial blessing in disguise leading to savings in fuel costs which account for 35-40 per cent of the daily expenses of an airline and save on the salary of the cockpit crew staying away from work another area of considerable expenditure. "Nobody wants a strike as it eats into an airline's brand equity. But sometimes, it can be a boon for the CFO (Chief Financial Officer)," said a merchant banker. But a manager said the loss as a result of pilots not turning up for work would be around Rs 14.7 crore a day [46]. Bookings had fallen around 40 per cent, he added [44]. And with predominant concerns about profitability, the concerns of workers may be rendered subservient and precarious (Williams 2009) especially as employee anxiety levels simultaneously go up fearing dire consequences. The Airlines Executive Director said "We are losing revenue earnings of around \$5 million." He denied any delay on the payment of salaries for this month. This airline's annual salary bill is around Rs 2,000 crore for over 12,000

employees [68]. Pilot anxieties were linked to these factors because competitive profitability seeks to cloud the dilemmas concerned with the termination of the pilots, and questions of profitability seek to overwhelm issues of job security (Greenhalgh & Rosenblatt 1984).

The airline has a debt burden of Rs 16,188 crore on its books, and the Rs 11,450-crore airline is in a desperate need for cash, and management has been talking to bankers to raise roughly \$400 million through a qualified institutional placement (QIP) [67]. "The strike will only worsen the perception," he said [67]. From an employee perspective, the quest for operating margins can have consequences for collectivization efforts, which are themselves trapped in dilemmas of economism or social democratic consciousness, as a basis of collective action (Heery 2009).

### **Customer Service Compulsions**

There is no greater leverage for militant managerialism than fuming customers at their eloquent best. The brunt of the sudden disruption was first felt by unwary air passengers across the country. There was mayhem as irate passengers confronted unexpected uncertainties at the airline counters as thoroughly confused counter staff was also caught off guard at the unprecedented turn of events at the airport enquiry and check in counters. The airline staff is clueless "I don't know what is next" [24c]. And such dilemmas are used to marginalise the need for trade unions to exist (Guest & Conway 1999) since the situation is

unacceptable and unexpected and is directly attributable to the disruptive action of pilots who themselves were hard pressed to explain their actions in such contexts. These ground realities are used as an excuse to pressurize and deny the rights of employees, and they are urged to come to terms with the loss of rights as a natural corollary of engaging with and fulfilling customer expectations (Ainsworth & Hardy 2009). "The least the airline people could have done is to inform me that my flight was being cancelled," complained one. The passengers were particularly agitated after learning that the cause for the 'sick leave' was the demand for reinstatement of two pilots who were sacked by the airline [3]. Through statements such as these, the rights of employees are posed against the demands of customers, and attempts are made to justify insecurity which affects employees (Mauno & Kinnunen 2002). Manipulation of customer experiences of disrupted services due to pilot action and amplification of the emotions by the media which generally adopts a "pilot versus customers" approach to reporting the story serves as a priceless leverage for militant managerialism in its campaign against pilot mobilization and strike action. Whatever moral justification there might be for pilots to resort to action tends to fade away before the sight and sound of a fuming customer.

### **Competitor Centric Compulsions**

Militant managerialism also has an unlikely ally in competitors who appear to be at their predatory best by cashing in on the disrupted airline not only by

garnering affected customers but also by resorting to exploitative pricing. The “open sky” competitive airline market meant that other airlines stepped in with alacrity and agility to fill up the vacuum created by the strike and did everything possible to cash in on the strike ridden airline's woes. “We are picking up Jet passengers on the domestic and international sectors such as Dubai, Bangkok and Kathmandu, among others, said an Air India spokesperson. Air India experienced a Passenger Load Factor increase from 60 per cent to 74 per cent on the day [16]. Kingfisher airline saw a 100 percent leap in the Passenger Load Factor in its Business Class segment as opposed to the usual 50%. Pilots of other private airlines displayed scant sense of solidarity with the dismissed or striking pilots and thus in the name of competition, the identities of employees are colonized, and they are forced to hold the organization's interest above everything else (Andersson & Wickelgren 2009). The Chairman of the airline meanwhile met the Civil Aviation Minister to update him on the situation and to brief him on the steps taken to assuage passenger difficulties [16] since respecting the customer becomes an act of ethical compassion (Crevani & Lennerfors 2009). While these meetings reinforce rationalist orientations related to commercial and customer related considerations, the autonomous identities of employees tend to be ignored (Cicmil et al 2009).

In line with the trend unleashed by the sudden pent up demand induced by the dramatic drop in supply, even online

fares shot up by 50-100 per cent during peak hours. “Except for Air India, low-cost carriers have raised fares 50 per cent and full-service carriers by around 100 per cent,” confirmed Mohit Srivastava, head of online sales, MakemyTrip.com, an online portal [16]. The perceptions of the agitating pilots are that their legitimate grievances get lower importance, their sense of loss increases as it is obvious that for the non-pilot stakeholders, it is tickets and economism that matter rather than treating employees as human beings with cultural and biological needs (Borve 2007). Piyush Shah, a businessman corroborated the reality of the “Passenger Burden Factor” and expressed his plight: “Flights that generally cost Rs 4,000 on low-cost airlines last week are now going for Rs 7,000. I paid Rs 8,800 for my Mumbai-Bangalore flight”. “On average, fares were about 40% higher. We also saw double the number of cancellations for bookings done on Jet flights for the coming days,” said Vijay Kesavan, CEO of a travel portal. Low cost carriers charged Rs 7000-12000. Bhavani Agarwal, Head of Air Business, Yatra.com reaffirmed that fares in busy sectors were up by 25-30% and 5-10% more even in the not so busy sectors. Yet another travel agent quipped: “For sectors to which fewer flights operate, the fares were up by more than double the usual rates. Sectors like (Mumbai to) Jamnagar, Indore, Rajkot, Guwahati saw tickets going for Rs 9,000-11,000 per head” [37].

Exploiting competitor vulnerabilities induced by pilot protest action and the swift encashment of the attendant

shortfall in service supply by rival airlines go hand in hand with aggressive support for the vulnerable airlines' iron-fisted handling of union mobilization efforts as we have discussed earlier. What seems like a contradiction in the inherent co-existence of the predatory nature of free market competitiveness which unabashedly exploits vulnerability and the simultaneous high decibel support for the smothering of union formation initiatives is in reality evidence that strategic militant managerialism can at once live with the setback of a one-time revenue loss to rival airlines in the midst of unforeseen calamities like strike actions even as it feeds on the long-term gains accruing from the neutering of collective voice and action flowing from the solidarity of the very competitors who are bleeding temporary supply-demand dislocations. Both sides of the situational contradiction strangely but actually reinforces the tendency towards strategic militant managerialism on the one hand in order to counter the actions of predatory competitors to minimize commercial damage and on the other hand to counter what it sees as the intransigence of union mobilizers.

### **Influence Structure, Processes & Outcomes**

Militant managerialism is also characterized by aggressive activation of relationships at the highest level to try and gain control over the situation. Meetings at the ministerial, secretarial levels to share information as well as to seek help and support to contain the turbulence characterize top management initiatives

[33]. "The Regional Labour Commissioner has directed that the NAG members cannot go on strike or cause disruption to the operations on September 7 or thereafter," spokesperson for the airline said [2]. Management also moved the High Court for an order restraining the National Aviators' Guild (NAG), an organisation of pilots of Jet Airways, and its members from resorting to any form of strike. A division bench of the Bombay High Court restrained NAG from going on an illegal strike on grounds that the airline is a Public Utility Service and that the illegal strike has already resulted in the cancellation of flights all over the country and inconvenienced passengers. The second day of the pilot protest saw the Bombay High Court issuing a contempt notice to NAG and its office bearers [16].

The Union Civil Aviation Secretary made an appeal to the disputants - "Our view is very clear. We have said we'd like this to be solved. Both sides should come to the table". He added that all states were also requested to examine the feasibility of invoking provisions of the Essential Services Maintenance Act. "Any act on the part of pilots that results in last-minute cancellation of flights and harassment of passengers will be treated as an act against public interest." The Secretary hoped the matters will be sorted out at the earliest [4]. Former Supreme Court Judge V. R. Krishna Iyer said to Times of India ".....ESMA cannot be invoked for a single airline. That would amount to discrimination. They will have to treat all air services as essential" [18]. The Gov-

ernment was also not keen to impose the provisions of the Essential Services Maintenance Act against the pilots of Jet Airways who have reported sick en masse affecting normal airline operations. "The situation, right now, is not really a public interest issue. The flights of one airline getting affected cannot really be viewed as essential services. So, where is the need to impose ESMA?" sources said [36]. The airline, meanwhile, started examining the option of approaching the airline regulator to employ more expatriate pilots and also get some pilots of its subsidiary to operate aircrafts. The airline's Executive Director, held a three-hour meeting with Chief Labour Commissioner S K Mukhopadhyay in New Delhi briefing him about management's stand on the issues. The meeting remained inconclusive. The management also made it clear that it was unwilling to dilute its demand to disband NAG, an issue on which the pilots' body was not willing to budge [53].

Is mass sick leave by the Jet Airways pilots tantamount to an illegal strike? Under the Industrial Disputes Act (IDA), certain strike provisions apply to the pilots who are classified as 'workmen'. Any strike without giving notice while conciliation proceedings are on is "illegal". Also, any strike within 14 days of serving such a notice is illegal. A union also cannot legally go on strike within seven days of the conclusion of conciliation proceedings. The Government also stated that it was considering changing a 60-year-old law to exclude airline pilots and commanders-in-charge from the definition of 'workmen', making it ille-

gal for them to form trade unions and go on strike [49]. The Union Labour Ministry had asked the pilots not to go ahead with the strike and asked them to negotiate with the management [6]. The Union Labour Minister said the Essential Services Maintenance Act (ESMA) could be invoked against striking pilots if the Civil Aviation Ministry recommends so but hoped that the matter would be resolved before that. "We want that the matter is settled there itself (at Joint Commissioner level in Mumbai) otherwise if it is referred to us under the Industrial Disputes Act, it will take a lot of time," he added [27]. The Union Civil Aviation Minister gave a detailed update at the Cabinet meeting. The question of possible intervention by the Government to end the crisis was also discussed, official sources said, but no view was taken at the meeting [53]. The Union Government refused to step in to resolve the crisis, maintaining that it was an internal matter of a private airline [71].

Conciliation proceedings between agitating pilots and the management began before the Chief Labour Commissioner in New Delhi in a bid to end the four-day old stir against the backdrop of a reported agreement arrived between the two sides through the mediation of Congress MP Sanjay Nirupam and some others. The management and its pilots had the previous night hammered out a broad understanding to break the deadlock raising prospects of a quick return to normalcy. As per the understanding, all the four sacked pilots would be reinstated and the charge sheets issued against some of the agitators will be

withdrawn while the Registrar of the Trade Unions will look into the fulfillment of criteria of registration of NAG. The outlines of this understanding were later approved with some changes by agitating pilots in Mumbai [57].

**The influence structure of militant managerialism over pilots extends from the micro level of the firm to the macrolevel of various institutions and mechanisms engaged in disputes and disputes resolution.**

As the situation headed towards a resolution, it was evident that the ebullience and energy brought into play by militant managerialism in order to prevent the exercise of the right of labour to form a union throws up some interesting patterns of behaviour. The influence structure of militant managerialism over pilots extends from the micro level of the firm to the macrolevel of various institutions and mechanisms engaged in disputes and disputes resolution. The dismissal of two key pilot leaders and dismissal of five more leaders even as efforts to get airline service operations going is an example of microlevel action. Using the provisions of the Industrial Disputes Act 1947 and the provisions for declaring strikes illegal in a public utility were brought into play not only at the Central Regional Labour Commissioner's level, but the High Court was also activated using the Labour Commissioner's ruling to not only restrain the pilots from disrupting operations but moving the Court for contempt proceedings when the mass leave

action continued unabated. Meetings at the highest level to influence and to get help, attempts to use the Essential Service Maintenance Act, seeking amendments to the definition of "Workmen" in the ID Act 1947 on grounds of excluding highly paid workmen like pilots from the purview of the definition in order to curb access to rights accruing to workmen, were some of the vigorous efforts launched to get air operations services back to normalcy. The agencies of the state conducted themselves with restraint and independence even as they tried to nudge the parties involved to move towards a resolution. The orientation in evidence is one of facilitation with the agenda more on getting the airline back in service rather than on getting the management to accept pilots' right to form a union.

### **Processes & Outcomes**

What appears to have happened from available reports in the media is that NAG decided to call off the strike on the stroke of midnight of the 14th day after the issue of a strike notice, "While the National Aviators Guild (NAG) has decided not to go on the proposed strike, its members have decided on an alternate course of protest action like going on mass casual leave which has hampered the operations of the private carrier" [10, 12]. As the employee action went into the third day, with 40% pilots reporting sick, those "who reported for duty were clearly a stressed out lot, putting in more hours at work and sparking concerns about air safety" [56]. Under Federal Aviation Administration (FAA)

rules, an expat pilot could fly only 100 hours per month while the Directorate General of Civil Aviation (DGCA) allows an Indian pilot to fly 125 hours per month.

"A pilot can call in sick even two hours before departure. Then, the standby is called. The standby cannot call in sick after he receives the call. So the standby pilots first reported sick, followed by the scheduled pilots" [21]. The airways' management sent doctors to the homes of pilots to subject them to medical examination, a measure which led to a great deal of resentment. The airline claimed 70 per cent of those checked were fit for work. These pilots were asked to report to work immediately. Late in the evening, NAG said three more pilots were sacked. Pilot leaders accused the management of black-mailing by asking to disband the union in exchange for reinstatement of the sacked pilots. "This is not at all acceptable to us" [6]. The agitating pilots also pointed out that expat pilots get \$12500 per month whereas domestic pilots get far less. "But nowhere have we demanded upward revision of our salary and perks. We understand that global downturn has hit civil aviation hard and airlines the world over are making losses. We just want the two sacked pilots to be taken back. After all, forming a union is not a crime, it is enshrined in our Constitution and pilots have been termed workmen by the Supreme Court," some of the pilots said on condition of anonymity [55]. "This seems to be a move to hit the top workers, so that the rest buckle under," he said. "It is the

Chairman's airline. He can choose to shut it or run it. We are only trying to get justice for the commanders who have been terminated without reason," pilot leaders said. "Both ends are ready for negotiations, but the stalemate is because we have been asked to dismantle NAG," he said. He told the media that the pilots could get jobs elsewhere, but if they buckled under pressure they would lose "dignity". President of NAG said "We have no demands. Just take the six people back ..... We are helpless. This problem cannot be one sided. It takes two hands to clap. We have extended our hand. I expect the management to extend its hand and solve the problem," he said on Wednesday [32].

The National Secretary of CITU said if the terminated pilots "have been victimized and sacked illegally, other pilots have all the democratic right to protest [15]. Eight central trade unions supported the pilots' union asking for reinstatement of the dismissed pilot stating that, "we stand solidly behind the agitating pilots and we will call upon all our trade unions to rally support" [29]. The General Secretary of the Aviation Industry Employees' Guild, said the root cause of the agitation by pilots was the sacking of their colleagues without any notice and reason. He said that nearly a hundred unions and trade union bodies had extended support to the cause of the agitating pilots. The GS of AIEG said pilots were unionised world wide and there was nothing unusual about it. However, it was the prerogative of the management not to recognise the union [55]. The International Federation of Airline

Pilots Associations, described as representing 1,00,000 professional pilots across 100 countries, issued a statement backing the NGA stand [62].

### **The Agreement**

The pilots' stir ended amicably around midnight after the Jet Airways management decided to reinstate the four pilots it sacked. It decided not to initiate any disciplinary action against the pilots who took part in the five days of mass "sick leave" agitation, and also to withdraw the contempt of court proceedings against them before the Bombay High Court. On their part, the pilots said they would resume duties with immediate effect, with nearly 100 reporting for work. They also agreed to the management proposal to sort out pending issues through a consultative committee that will include two directors and the chief executive along with two representatives of the pilots [78].

### **Emerging Insights**

The compulsions driving militant managerialism are commercial considerations, customer service and retention dynamics and competitor centric market dynamics. This makes militant managerialism "strategic" in the sense that managements are operating out of this mould

**The right to form a union is sought to be curbed at any cost and at all costs within the framework of the dynamics of strategic militant managerialism.**

for strategic competitive market survival. Unilateralist control over the deployment of personnel resources is seen as an imperative not only for management but also for employees given the compulsions of competitive market dynamics. There is willingness to dialogue, willingness to create forums of grievance and disputes handling but on managerialist terms given the market survival mandate. And the right to form a union is sought to be curbed at any cost and at all costs within the framework of the dynamics of strategic militant managerialism. Although the regulatory agencies did maintain a certain independence by not resorting to the use of available instruments like the ESMA, overall the entire influence structure of interacting stakeholders seem to be oriented more towards managerial and commercial interests rather than oriented towards finding a solution factoring in constitutional and trade union rights available to labour in the current context. Pilot leaders and NAG members simply could not sustain the momentum created by their direct action in spite of significant expressions of solidarity by pilot union federations and trade union centres. The hard positional bargaining stance adopted by militant managerialism in order to remain in unitarist control by shifting the agenda from right of labour to register a union to reinstatement of dismissed union leaders ultimately led to a situation wherein on September 13, 2009 at least management could claim "victory" by averting the formation of a union and simultaneously succeeding in getting the pilots to agree to a "consultative committee that will in

clude two directors and the chief executive along with two representatives of the pilots [78].

This case empirically establishes the reality of the existence of Strategic Militant Managerialism in the context of union mobilization processes in a recession ridden, market driven, high cost, aviation context. The analysis of the pilots strike shows that industrial relations needs a paradigm change from what we have termed as “strategic militant managerialism” characterized by hard positional bargaining towards a “synergic mutual mode” based on a foundation of identifying and fulfilling mutual interests together. This can only come through a shift from a rigid positional mode to an interests based mode where managements see employees as partners even if they are unionized, and see competitive compulsions as well as employment relations concerns as collective responsibility and not as an arena for playing out a victim-victimizer, victor-vanquished drama, however thrilling the script and the actions might look through the amplification of the drama in the electronic and print media.

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