

Union formation and worker resistance in a multinational: a personal account of an Asian cabin crew member in UK civil aviation.

## Abstract

This article presents a first-hand account and afterword by 'Susan Wong' on the formation of an Asian cabin crew trade union followed by a nine-year period of resistance in response to imposed changes to employment terms and conditions by the management of a UK multi-national airline. The main issue was an imposed premature retirement age compared to UK based colleagues. Opposition occurred in the UK courts, to identify the correct employment jurisdiction and then cite both age and race discrimination. The workers' victory over the company which had similar plans for other overseas workers demonstrates union efficacy and Susan's determination and resilience. The narrative enhances the understanding of the micro-processes of mobilisation, the nature of discrimination and identity, and the lived experience of combining cabin crew work with union activism.

**Keywords:** civil aviation /discrimination / mobilisation theory / trade unions / worker narrative

## **Introduction**

This article concerns a 'David and Goliath' struggle by sixteen overseas Asian female cabin crew workers against a powerful and litigious UK multinational airline. In 2003, they formed a union led by 'Susan'. After 9/11 and the SARS (severe acute respiratory syndrome) outbreak in 2003, there was a focus on reducing labour costs within the airline to remain competitive (Bamber et al 2009; Holtbrugge, Wilson and Berg 2006). These external events were used as cover to execute already-existing plans for restructuring (Harvey and Turnbull 2001; Taylor and Moore 2015). Furthermore, after the financial crisis in 2008, there were mass redundancies in civil aviation globally, followed by recruitment freezes, unpaid leave and unpaid labour (Harvey and Turnbull 2011, Seligson 2013).

This is the backdrop against which Susan and her colleagues brought their legal case to the UK, citing age and race discrimination. The employer had imposed a retirement age of forty-five on these workers, with a small cash pay-off and no pension, regardless of the number of years served. In contrast comparable UK-based cabin crew were able to retire at sixty-five with a service-based pension. One employer tactic for cutting labour costs is targeting their more vulnerable employees, in this case, non-unionised, foreign, female employees. Typically these employees have fewer legal rights and are therefore perceived as being less likely to oppose managerial decisions (Harvey and Turnbull 2002). The successful resistance in this case, however, was not straightforward due to decisions about

the national employment jurisdiction that should apply given the transient nature of their workplace.

Through Susan's narrative below, the inside story on the opposition is revealed; this narrative focuses on mobilisation micro-processes, discrimination and identity issues, and the experience of combining cabin crew work and union activism.

First, the detailed and personalised micro-processes of mobilisation in union formation that create solidarity are discussed (Kelly 1998; Simms and Dean 2015). These include feelings of injustice directly attributed to the employer, the creation of a strong group social identity among colleagues, the feeling of being cognitively liberated from prior social norms of behaviour, and Susan's ability to frame and articulate her group's concerns. The employer responses included threats to close the workplace and recruit younger replacements.

Second, issues of discrimination and identity are detailed. Colgan and Ledwith (2000) cite discrimination as a powerful trigger for unionisation and the shared ethnicity between the workers created strong solidarity in the face of injustice. In the airline industry, there is a toxic mix of product and labour market competition, as seen in the image of sexualised cabin crew promoted in company marketing.

This is combined with discrimination against older impliable women performing emotional and embodied labour in this context (Haq 2010; Weller 2007). Cabin crew jobs are gendered and are viewed as either glamorous or menial “trolley dollies” with a subsequent undervaluing of crew member’s skills (Baum 2012; Hunter 2009). This is exacerbated by the standards of female cabin crew age, where a crew member is considered ‘old’ at age thirty-eight (Weller 2007). Discrimination against older workers by firms who want to recruit young and physically attractive employees and lay off older employees in response to customer preferences is perceived as paying off and justifying the ‘competitive rationality of discriminatory practices’ (Weller 2007:431). Legal sanctions have been largely ineffective but Susan sets a precedent if workers have the courage to demonstrate resistance, they may change this practice.

Third, the lived experiences of cabin crew work and union activism are important to mention. Susan refers to the benefits of personal empowerment within the new union, the airline and the wider industry, although her activist work is constrained by family commitments (Colgan and Ledwith 2000) . She speaks of harassment and bullying by her employer, the lack of promotion, and the need to use holiday time to pursue and prepare the legal case as part of her union role. All these factors reduce the opportunities, particularly for women, to become active in unions (Briskin2006).

Susan has worked as an overseas cabin crew member based in Asia for eighteen years. She is employed for her specialist language skills alongside UK colleagues and works on the route between London and her home country in Asia. Although UK-based cabin crew is heavily unionised there was no local union branch available for her to join. After 9/11, due to the airline's loss of business, working conditions declined with an imposed change in contract from full time to three-quarter time. The union was formed after Susan went to the local Asian tribunal to protest the non-payment of wages for an important national holiday. The case was won due to the lack of negotiation for this contract change.

After forming the union, Susan and her colleagues challenged the imposed retirement age and while in London on layovers (overnight stays between flights) sought advice from lawyers working for the UK union that represented UK based cabin crew. The first UK tribunal hearing, lodged on behalf of the sixteen workers in 2008, was to decide whether their claims for age and race discrimination could be heard within UK employment jurisdiction. They won their case, but the employer appealed to both the Employment Appeal Tribunal and, in 2011, the Court of Appeal. The appeal was lost. Later in 2011, the employer equalised the pension arrangements for these workers. However, the employer still appealed to the UK Supreme Court as they feared a judgment ordering the equalisation of pension arrangements for *all* their overseas workers. In 2012, four days before the Supreme Court hearing, the employer withdrew its appeal. The 2011 Appeal Court

judgement stands; these workers won due to company concessions, but other overseas cabin crew members must take their own cases to court because the judgement is specific to these sixteen workers. The victory of these workers against a powerful and litigious employer shows the strength and effectiveness of unionisation and that a determination to pursue justice can be worthwhile, even in the context of globalised capitalism.

The narrative presented here is the result of an in-depth interview undertaken in July 2010. The testimony was audio recorded and transcribed. Some omissions and additions of expression were rendered to make clarifications where necessary. In 2012, following the legal victory, Susan expressed her thoughts in an afterword because an additional interview was not possible.

### Susan's Story

I have been working on a full time contract for about 18 years , and we set up OCCU (Overseas Cabin Crew Union) 7 years ago during my thirteenth year of service. We started it from zero in 2003, so I worked for 11 years without representation.

There were no unions where we worked, there was nobody representing us and nobody interested in doing it as there were strong rumours that if anyone set up a union then he or she would be fired by the company.

It was a myth created by the workforce, there's nothing written down and I remember in 2001, just one to two years before we set up the union, I had a word with my boss about representation and she wasn't that nice. Some years ago, while in London, I met a UK cabin crew union rep and he introduced himself and I said, "I want to set up a union, who shall I ask for permission" and he laughed and said "darling, you never ask for permission to set up a union".

I have to say that before 2003 we were living on a different planet, and we'd been told that "every single thing you want to do, you have to get permission from your boss, you have to make sure the company allows you to do that", so in our minds it is like, where do I get permission? The retired UK union rep was so good and he explained things to me and advised me how to start the union from zero. I tried to ask colleagues about who wanted to be members and provisional committee members.

My boss was a local lady and I just asked her one simple question "are we allowed to have our union" and she just laughed and made some kind of discriminatory gestures and said "you can set up if you like, there are no rules to restrict people in setting up a union, but the fact of the matter is, you guys are too lazy, too laid back and you don't really want to have it". I remembered that. So, I found out from

the manager's mouth that there were no company rules to restrict us setting up a union.

In 2003, after SARS and the twin tower attacks in New York on 9.11, the company delivered a message to everyone at my base saying that we needed to do things differently. The company asked us to do them a big favour.... we were a bit naive to be honest, but when you don't have a union that is the way it is. The company said that they had actually prepared a new contract for us that needed to be signed and it was a part-time contract....we didn't know what it was; we had never had that before.....

We had a big question ; we knew as adults, that if you didn't sign it, something would happen, but you don't know what it might be, but were you going to sign it or not? Then, a lot of people including myself, decided that we didn't want to sign it, we were sure that something was not right, because they couldn't just come to you and produce several pieces of paper for you, then say, "oh, please give me your names and sign it and that's it".

The seniors at work they were always over us, but these people started to be like ambassadors of the company and told us "you've got to sign it because if you don't rescue the company, we are dying", at the end everybody, all one hundred and twenty of us had all signed it. They changed our contract from being full time to a 75% contract.

Then suddenly one day, after we had moved to 75% contracts, the manager again just issued us with a memo and said, “girls, in your contract there’s payment for the New Year holiday bonus” and they told us “we’re going to deduct one third from it, you don’t have to sign anything, it’s going to take the effect this year” and most of the girls just felt so furious.

The 120 staff at the base were nearly all women employees with no more than three or four boys. Then we started the resistance, for the first time ever we took them to the local employment tribunal about the holiday payment and the ruling was in favour of us because we didn’t sign anything to agree them to do so, and that’s the reason why we started the union.

#### Discrimination and Identity: Age and Race

Before the union was set up, the issue of the retirement age already existed and we were watching our colleagues leave the company day by day. Every few months there would be a girl who had reached her 45<sup>th</sup> birthday and she would receive the termination letter, and the letter just had, “your contract finished”. We didn’t know how to deal with that because we didn’t have a massive workforce like in the UK, so even if we were to go on strike, it would be meaningless and there wasn’t any local law to govern the issue of race or age discrimination, what could we do?

The retirement letter came from a rule book, which actually put 45 as the retirement age but they hid the book in the office, they never issued it to anyone. It was not until 2002 that our first colleague reached her 45<sup>th</sup> birthday and she approached the company individually because we didn't have the union at that time. She was considered as the most favourite girl and the company talked to her privately and gave her the impression that they would renew her contract and extend her retirement age and she herself was really optimistic too but in the end the company actually grabbed her into the room and said "bye bye".

Then, all of us decided that we had got to have some form of representation on this issue, you couldn't rely on everybody individually when they reached their 45<sup>th</sup> birthday going to knock on the managers' door. I was possibly the first person to challenge the manager and cause her such trouble.

We tried to make a proposal about the retirement age and we tried to achieve a kind of agreement, however the international boss came to a local meeting with the committee team and said "don't do anything else, just cut it short, this is the proposal, if you want to work beyond the age of 45 we propose that you guys get paid £200 a month". We looked at him, we couldn't believe it, because you cannot live on that.

The lawyers [from the UK cabin crew union who were advising OCCU on their UK court action] were not allowed in, the company wouldn't let them sit in the meetings

because in the UK we were not a recognised union; they could give us this moral support and tell us how to do it but the company would not allow them in the room.

Then I told myself, things needed to go ahead, and I geared up to do it by myself because even at local tribunal level we were not allowed to use lawyers. As a union rep, I had to fight, I had to act like a lawyer, I had to learn about the legal process within 2 months, then if nobody was able to help me, I had to do it, I was determined. When I told my manager that there was going to be a UK court case about age and race discrimination concerning the retirement age, his attitude was “I don’t think you are subject to UK case law”.

But I was very worried once I knew that the UK court was allowed to accept the case, about whether the UK union was going to support us. Our new union is affiliated to our national CTU (Confederation of Trade Unions) and we are a legally registered union.

At that point, I had a lot of question marks in my head because we were foreigners; we supposed that we were not welcomed by the British workers because to a certain extent we were occupying their jobs. The company would not pay us equally with the UK workers and, we were constantly paid much lower than them and we were not allowed to be promoted.

Foreign workers are not more than 6-7% of the whole global workforce, so why did they still need us; there must be a reason behind it? We are native speakers in our

own language and culture and all of these reasons, but I guess another reason is that we are relatively low paid. When I asked other 'foreign' colleagues how much they earned, of course it's shocking, the company basic pay is £350 per month to £450, and they are entitled to cash allowances of about £100 and they have to rely on these allowances to live. How much would they earn in total? You would say £800 to £1000 less than a regular UK worker per month.

When the new UK manager first came to the local overseas office 2 years ago, I immediately wrote to him, I would have liked to try to see him. He's like "ok then, I have a very busy schedule, I can give you 30 minutes". I thought, he's not respectful but I went with my colleague. I said that I just wanted to speak on behalf of my colleagues, and I said "why can't we resolve this issue, it's just 50 people now, is it that difficult?" He said "Well, you see the company does still not agree that you guys are subject to UK law. It's not an easy matter and if that was applied to you then it could be applied to 800 other international staff".

### **Cabin Crew work**

I'm now 39 and in 2003 I was 33 and I still had about 12 years to go until I reached my 45<sup>th</sup> birthday, please don't tell me I have to fight for 12 years! It's already 7, that's true, but if I didn't do it who else could do it? We also had a crisis which was

that the company was deliberately separating us from the new entrants to the job, they didn't want them to be union members and we did.

They couldn't officially stop them but they did things like if there were new girls, they were supposed to give you a support programme and have somebody with you like your mentor, like a twin programme, but then they only allowed non-union members to be the mentor. They wouldn't roster me and they wouldn't invite people like me to be a senior girl to help them out. We had about 50% membership, the court action had stopped company recruitment for 10 years and because of our fight they have had manpower shortages for more than 7- 8 years.

There was a story at the company that they deliberately grew a group of seniors as the fighters for the company and then they would try to brainwash you when you were a junior and say how good and lucky you were to work here, "it's a privilege, you know", and they make you feel like, "oh yes I'm a princess", and make you believe that you should just be quiet and don't say a word, ok you should be thankful, that's what I remember, you should be very thankful girls that you are employed. I've worked really hard, I speak 3 languages, I'm not allowed to speak poorly, I have to speak fluently, this is a job requirement, I have not come here for nothing, I work bloody hard.

Our work rosters were killing; we called it blood and sweat money. Some colleagues just wanted to tell the company, "I don't mind, this is my job, but could you just make it fairer?" In a month I only have 8 days at home.

I have two children they are 6 years old and 12 years old. It has been so difficult but I wouldn't give up the fight and I would tell myself that because of these children I could be a housewife, but the harder the company treat me the more I want to fight.

The company just kept telling lies; in my eyes, they were lies, they tried to establish that we were aliens, and that we did not belong to the company. They even said that during our working day of about 12 hours that we were not working, and there are people like me, we sat in the court room, sometimes we have to wipe away the tears, it was very upsetting, the company we worked for, for many years, when we first joined they weren't like this; now, when we decently asked them to allow us to work for longer and just give us the same treatment like UK colleagues, they tried to tell us that we were not entitled to that and it's really sad.

Some of my senior colleagues have worked for the company for a long time and one or two of them did try to approach the UK cabin crew union in 1989. They tried to join but the union refused them, and because they didn't know the law in our country, they didn't know whether they were they allowed to take us on as members so they refused, but since then it has changed.

The company is really sensitive about race discrimination; we were the first workers ever to have challenged them. They have discriminated against us and they are wrong, I thought that no matter what, they would fight until they died. Our lawyers informed us that since we started the action, he said "I just need to tell you, this

company is not an easy place to fight, in all my experience of fighting for different members in court, they have said that if they didn't get the results they wanted, they would appeal to the highest court in the land. Through the court documents they have put it in writing, that if the courts ruled in our favour, and if we allowed these girls to work beyond 45 years old, we would need to close the local base in your country", so we have to be prepared for the worst but it didn't affect our determination.

Our local manager said "I am afraid that one day even if you guys achieve a win in the race and age court case, I'm afraid that one day I would have to come down and tell you about a mass redundancy", I replied, "so? That doesn't mean anything to me, and it doesn't make me scared or anything, if that happens I promise you that we will file another case, because you would have maliciously chosen to close down a base because you didn't want to take up the liabilities, then I would ask for more compensation, thank you very much". This was how they treated us; we had no rights, and no respect.

### **Union Activism**

The management focussed on me all the time, with harassment and bullying.

The manager said "There are employment regulations here to regulate you" and I replied "you can't regulate a union representative. I have my own agreement and contract to govern my work role but outside that you can't do anything". They didn't

believe it and they issued me with more than a 5 page warning letter. That letter was actually a punishment for most of the things that had happened and they wanted to monitor my performance for 12 months.

I just don't know why they tried to give me all this punishment like a school girl and I struggled more, I will fight until I die, and I reported this to the local Government tribunal claiming that if you are exercising your union rights you're not allowed to be subject to any discrimination or detriments, and they prosecuted. It was an offence and that's what happened and then the employer pleaded guilty at the end and that was the first case in local history here, a successful prosecution. Since then no matter what the issue was that we raised, especially about the retirement age, they were ready to fight against us.

I would not reduce my determination to fight; I believed that once I had started I would not give up. Actually I'm a British passport holder I'm a full British citizen, why shouldn't I be entitled to this retirement age. Fortunately my husband understands otherwise I am afraid that I would end up divorced, and my husband is typically a normal man, he doesn't want a wife that's so widely exposed and sometimes in the newspaper.

The time I have to spend with the kids, and the time spent on holidays, is much less and we are only entitled to 30 days of annual leave and it is difficult to get holiday. Even during childbirth, I have a caesarean section and I had just left the operating theatre for about a day, and I was still under heavy sedation, you're not

completely woken up by then and I found the vice chairman of the union sat next to me!

She came about the winning of the tribunal but the arguments about the cost were not completed, the company refused to pay the cost and the vice-chairman didn't know what to do and the company had produced a list stating they would only pay the minimum, and she just panicked wondering whether she would make a wrong decision so she must get my approval. I said “, its killing me, you know, my womb is in so much pain”, and she replied “I know I'm so terribly sorry but I have to get you to read this”..... but then no matter, the union is just like a machine running non-stop, sometimes it's very hard, but then especially this year I have discovered some problems with my health, I had to slow down and I had to make it clear to my team, you know that I'm not lazy, I needed time for myself to fully rest otherwise I couldn't carry on. Certain things are unavoidable like court cases. The company insists that they will not roster me or give me time off; they made sure that I had to use my own leave to cover all this. So with 30 days leave, if you deducted all those necessary meetings and court proceedings how many days left? Not many, so it's a bit hard.

Every single issue was a fight, nothing in talks, nothing negotiated. Then when I became involved in the union, we did a bit more for the entire industry and I became the convenor for the national association. I became the committee member of the national confederation for two terms and so I told myself that I needed to learn, I

would love to learn, if I didn't learn, I wouldn't know how to do it! Who would be able to teach me at once, nobody, and I would have to learn it through these different kinds of participation. I kept telling myself that this was the way to do it, that's why it made the job so difficult because I have only got one pair of hands, one day off, how could I use it for this team or for that team, the first four years it was very hard.

Before we actually widely disclosed our fight it seems like we were living on our own planet. Since 2005 we started to let people know and tried to let them disclose the matter in the work newsletter and I was invited to one branch meeting to say something. More and more colleagues now know how they treat these girls so now everybody knows. We believe they wanted the base shrunk until, all the old contract people including myself are gone, then they can have all these young cheap boys and girls.

### Afterword

After I heard the judgement I was so happy, but I was not notified by the lawyers in the first place, But it really doesn't matter as long as we have won!!! wow! The company will not stop here. I need to remind myself. They will carry on dragging out the case and trying hard to cut our terms and conditions. The road ahead of me will still be rough and long but I am not going to worry. We are a group of people that have come from the worst, so nothing can be worse than that anymore.

## Bibliography

Bamber G J, Gittel J H, Kochan T A, and Von Nordenflycht A (2009) *Up in the Air: How airlines can improve performance by engaging their employees*. Ithaca: NY: ILR Press.

Baum T (2012) Working the Skies: Changing representations of gendered work in the airline industry 1930-2011. *Tourism Management* 33 (5): 1185-1194.

Haq R (2010) Turkish Airlines grounds 'fat' flight attendants. Accessed at [www.arabiansupplychain.com/article – 4712-turkish-airlines-grounds-fat-flight-attendants](http://www.arabiansupplychain.com/article-4712-turkish-airlines-grounds-fat-flight-attendants).

Briskin L (2006) Victimisation and agency: the social construction of union women's leadership, *Industrial Relations Journal* 37(4):359-378.

Colgan F, Ledwith S (2000) Diversity, Identities and Strategies of Women Trade Union Activists, *Gender, Work and Organisation* 7(4):242-257.

Harvey G, Turnbull P (2001) *The impact of 11 September in the civil aviation industry: Social and labour effects*, Sectoral Activities Programme, Working Paper No.182, (Geneva, ILO).

Harvey G, and Turnbull P (2002) *Contesting the Crisis: Aviation Industrial Relations and Trade Union Strategies After 11 September*, London, International Transport Workers Federation.

Harvey G, and Turnbull P (2011) *Sectoral coverage of the global economic crisis: The impact of the financial crisis on labour in the civil aviation industry*, Geneva, ILO.

Holtbrugge D, Wilson S, and Berg N (2006) Human resource management at Star Alliance: pressures for standardisation and differentiation. *Journal of Air Transport Management* Vol 12(6): 306-312.

Hunter J A (2009) *Anger in the air, Combating the air rage phenomenon*. Farnham, Ashgate.

Kelly J (1998) *Rethinking Industrial Relations*, London, Routledge.

McAdam D (1988) Micro-mobilisation contexts and recruitment to activism. In:

Seligson D (2013) *Civil aviation and its changing world of work*, Geneva. ILO.

Simms M, Dean D (2015) Mobilising contingent workers: An analysis of two successful cases, *Economic and Industrial Democracy* 36(1): 173-190.

Taylor P, Moore S (2015) Cabin crew collectivism: labour process and the roots of mobilisation, *Work, Employment and Society* 29(1): 79-98.

Weller S A (2007) Discrimination, labour markets and the labour market prospects of olde workers: what can a legal case teach us? *Work, Employment and Society* Vol 21(3): 417-437.