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Disruption and re-regulation in work and employment: from organisational to institutional experimentation

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Summary

This article proposes experimentation as a framework for understanding actor agency in the changing regulation of work and employment. This involves contrasting institutional change with *organisational and institutional experimentation* approaches in order to understand how, in the context of uncertainty, actors in the world of work experiment with new ways of organising and seek to institutionalise them into new understandings, norms and rules. The article describes the fault lines of disruption that are generating a vast range of experiments in the world of work. These fault lines invite resilient responses and the development of collective capabilities at two levels: first, organisational experimentation, where social actors seek to modify or renew their organisations, networks and alliances and reflect on, assess and learn from their experiments; second, institutional experimentation, where these responses are scaled up and institutionalised over time through more general understandings, norms and rules. A key challenge for comparative research and strategising is to find the appropriate institutional conditions that will facilitate and enable organisational experiments, whilst overcoming constraining institutional conditions. This challenge is illustrated through the examples of co-working and the development of new forms of collective representation.

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Résumé

Cet article propose l'expérimentation comme cadre pour comprendre le rôle que jouent les acteurs dans l'évolution de la régulation du travail et de l'emploi. Cela implique d'opposer le changement institutionnel aux approches d'*expérimentation organisationnelle et institutionnelle* afin de mieux appréhender comment, dans un contexte d'incertitudes, les acteurs sociaux expérimentent de nouveaux modes d'organisation et cherchent à les institutionnaliser dans de nouvelles interprétations, normes et règles. Cet article décrit diverses lignes de fracture qui bouleversent le monde du travail et donnent lieu à une vaste gamme d'expérimentations. Ces lignes de fracture appellent à la résilience et au développement de capacités collectives à deux niveaux: premièrement, l'expérimentation organisationnelle où les acteurs sociaux cherchent à modifier ou à renouveler leurs organisations, réseaux et alliances et à réfléchir, évaluer et tirer des leçons de leurs expériences; deuxièmement, l'expérimentation institutionnelle où ces réponses sont extensionnées et institutionnalisées au fil du temps par des interprétations, normes et règles plus générales. L'un des principaux défis de la recherche comparative et de l'élaboration de stratégies consiste à trouver les conditions institutionnelles qui faciliteront et permettront les expériences organisationnelles, tout en surmontant les conditions institutionnelles contraignantes. Ce défi est illustré par des exemples de *co-working* et le développement de nouvelles formes de représentation collective.

Zusammenfassung

Der vorliegende Artikel schlägt vor, auf dem Wege des Experimentierens den Handlungsspielraum von Akteuren vor dem Hintergrund sich ändernder Regulierung von Arbeit und Beschäftigung zu verstehen. Dies beinhaltet einen Vergleich zwischen den Modellen der institutionellen Veränderung und des *organisatorischen und institutionellen Experimentierens*, um zu verstehen, wie soziale Akteure in einem Kontext der Ungewissheit mit neuen Formen des Organisierens experimentieren und versuchen, diese in Form neuer Auffassungen, Normen und Vorschriften zu institutionalisieren. Der Artikel beschreibt die Konfliktlinien der Disruption, die zu einer Vielzahl von Experimenten in der Arbeitswelt führen. Diese Konfliktlinien sollten auf zwei Ebenen resiliente Antworten und die Entwicklung kollektiver Fähigkeiten hervorrufen: Erstens ist organisatorisches Experimentieren gefragt, hier versuchen die sozialen Akteure, ihre Organisationen, Netzwerke und Bündnisse zu modifizieren oder zu erneuern, sie reflektieren und bewerten ihre Experimente und lernen daraus. Zweitens geht es um institutionelles Experimentieren, wobei diese Antworten längerfristig auf eine andere Ebene gebracht und durch generalisierte Auffassungen, Normen und Vorschriften institutionalisiert werden. Ein wichtiges Problem der vergleichenden Forschung und Strategiefindung besteht darin, geeignete institutionelle Bedingungen zu finden, die organisatorische Experimente ermöglichen und dabei gleichzeitig einschränkende institutionelle Verhältnisse überwinden. Diese Herausforderung wird anhand von Co-Working-Beispielen und der Entwicklung neuer Formen kollektiver Interessenvertretung beschrieben.

Introduction

This article proposes experimentation as a framework for understanding change in the regulation of work and employment. Middle-range theories typically respond to ongoing changes

in the world of work. From the mid-2000s, there was a shift from studying varieties of capitalism to institutional change. Both these approaches tend to: 1) underestimate the degree of crisis and uncertainty in the global economy and overestimate the coherence and stability of neoliberalism; 2) underplay the role of diverse forms of social agency in seeking new ways to contend, resist and survive in such an environment; and 3) overlook how these processes shape and are shaped by power dynamics and the interplay between agentic and systemic or structural power.

This article therefore seeks to develop tools to understand how actors at different levels in the world of work are strategising relative to the disruption they face. These actors are evident in multiple organisational contexts and institutional arenas in the world of work and they are likely to draw on a variety of capabilities and resources in the development and pursuit of their strategies. This involves contrasting an *institutional change* approach (generally based on the efforts of organised collective actors to rebuild institutions from the top downward in order to shift the established rules of the game more in the direction of their own interests) to an *organisational and institutional experimentation* approach. By focusing on experimentation as a middle-range theory, this article looks at how, in the context of considerable uncertainty, actors in the world of work experiment with new ways of organising and sometimes then seek to institutionalise them into new understandings, norms and rules.

The article first describes the cognitive challenges and real-world changes in response to which a vast range of experiments in the world of work have been generated. We identify fault lines of disruption in the regulation of work and employment, with special emphasis on the uncertainties generated by these processes and their implications for the reordering of regulation among different regulatory arenas.

Secondly, these fault lines invite the examination of resilient responses to these uncertainties, i.e., how actors are trying to search for new options to regain control by building on existing institutions and modifying or renewing their organisations, networks and alliances, by mobilising new identities, by promoting new understandings of the meanings of work and employment and, *inter alia*, by using technology to create new forms of solidarity. This is labelled *organisational experimentation*. We argue that this is one of the defining characteristics for actors focused on the regulation of work and that there are multiple examples of such experimentation as actors reflect on, assess, learn from and modify their experiments in the changing circumstances and sources of disruption with which they must contend.

Thirdly, the article considers whether these are ephemeral responses to crises or whether and how they have the capability to be sustainable over time, i.e., to become scaled up and institutionalised through more general understandings, norms and rules in particular social settings (local, regional, national, international, inter-organisational, sectoral). Such scaling up requires *institutional experimentation*, whereby such actors negotiate the interface between their organisational and institutional contexts in order to try and find the appropriate institutional conditions that will facilitate and enable their organisational experiments, whilst overcoming constraining institutional conditions. This article asks how various social actors engage with, circumvent or change these institutional conditions and illustrates these processes through the examples of co-working and the development of new forms of collective representation.

We conclude by highlighting the importance of comparative research on different types of organisational and institutional experimentation so as to better understand the emergence and interconnections between different types of experimentation and the implications for actors in the world of work in their strategising for a better future.

Fault lines of regulatory disruption

We identify seven fault lines where, as a result of changes in the last four decades in multiple industries and national contexts, existing institutions appear to be out of synch with changes in the field of work and employment. These fault lines, presented in no particular order, disrupt traditional modes of work regulation, compelling actors in the world of work to come up with strategies as best they can, but also opening up spaces for experimentation in the major arenas for the regulation of work and employment. Crouch (2005) points to the recombination of rules and modes of governance; Campbell (2004) to the importance of policy bricolage and entrepreneurship. Kristensen and Morgan (2012) make the case for an analysis of the co-constitution of institutions and actors. They identify a process where, faced with institutional crises, collective actors draw on institutional legacies to innovate and make new combinations in the regulation of work, sometimes changing their own identities in the process. Understanding collective actor responses to the challenges that flow from these fault lines is essential to understanding the processes of experimentation that ensue. Are they demobilised and constrained by the uncertainties with which they have to contend or are they empowered through opening up alternative scenarios of collective responses, renewed resources and enhanced capabilities?

1. Disruptive technologies

Increased technological intermediation means that many types of work are being disarticulated and performed virtually across work sites, firms, supply chains and borders. Technological platforms such as Uber and Amazon Mechanical Turk are rewriting the structure of firms, the nature of work organisation and the frontiers of the employment relationship, highlighting the limits of existing forms of work regulation and public policy (Bergvall-Kåreborn and Howcroft, 2014; Daugareilh et al., 2019). What results is a blurring of boundaries between: paid and free labour (Burston et al., 2010), work and non-work (Bittman et al., 2009), jobs performed by robots (Ford, 2015) and those requiring enhanced skills, and high rewards and social exclusion. These new technologies also open up space for new forms of resistance, deliberation, collective organisation and mobilisation (Zuboff, 2019).

2. Climate crisis and transition

The global response to climate change entails profound modifications in industries and communities, for which the governance of work appears ill equipped (Laurent and Pochet, 2015). This transition creates opportunities for policy innovation, on green jobs, new skills and sustainable communities (Klein, 2019; Stroud et al., 2018). Yet many actors struggle to embrace the possibility of increased, if contested, collaboration to promote decent and socially useful jobs. The institutions and regulatory legacies to facilitate such a dialogue have yet to be invented or are, at best, embryonic. Moreover, as is evident in the case of global production networks, sustainable development cannot be divorced from modes of consumption, the drive for profit extending value chains around the world and the ethical behaviour of firms (Carbo et al., 2014).

3. Pandemic health threats

As we write in March 2020, the economic and social effects of the coronavirus (COVID-19) pandemic are still unfolding. This global health crisis, which first manifested in China in December 2019 and then spread rapidly across continents, constitutes one of the most significant disruptions

to the world of work in living memory. It is provoking massive turmoil on both supply and demand for goods and services as entire countries and regions are locked-down and in quarantine because of the transmissibility of this respiratory illness for which there is currently no known vaccine. What is immediately evident is the return of the role of the state on a massive scale to protect workers against threats to their health, to ensure labour supply in essential services, to stimulate labour demand in response to the economic downturn, and to support the incomes of a wide range of workers (ILO, 2020). Indeed, so much of neoliberal dogma over recent decades lies in ruins before the scale of the intervention required to meet the emergency. The asymmetric effects of this crisis on different categories of workers, as for example the total lack of protections available to gig workers (Rasche, 2020), or the disproportionate intersectional impact on the poor and persons of colour, underscores the vulnerability of so many workers (Stanford, 2020) and the many dimensions of their bad work. Some also suggest that this crisis may represent a point of inflection for the physicality of work as many workers reconfigure the relationship between life and work through technological intermediation and the possibility of working remotely (Pawel, 2020).

4. Unbundling the firm

Financialisation, pressures associated with globalisation and the liberalisation of markets have prompted the reorganisation of the internal and external boundaries of the firm (Appelbaum and Batt, 2014; Marchington et al., 2005). The outsourcing of work, the recourse to more elaborate production networks, the offshoring and reshoring of work, the externalisation of services, the transformation of some employers to deployers of labour (Haiven, 2006) and the fissuring of the workplace into multiple strata of contractors (Weil, 2014) modify the dynamics of power relations, undermine the efficacy of traditional labour law frameworks and challenge the strategic repertoires of actors in the governance of work. However, this also opens up new space for different kinds of stakeholder representation and advocacy (Bonner and Carré, 2013) as well as claims for new forms of participation and democracy in the governance of firms (Blasi et al., 2014; Ferreras, 2017).

5. Reconfiguration of global production networks

New technology and free trade facilitate the organisation of production across borders, rescaling the governance of work, with a displacement towards both trans- and sub-national levels (Almond et al., 2014; Dickens, 2011). This reach is further complicated by the extension of market capitalism to a whole range of developed and emerging economies, thus opening up ongoing possibilities for spatial dislocation of jobs and services. Policy and union actors are challenged, but also empowered, in their search for new forms of transnational regulation (Banks, 2011; Daugareilh, 2012; Fairbrother et al., 2013; Lévesque et al., 2018). Competition for jobs is often subnational, with worksites, firms, industries, and regions pushing to engage in various forms of collaboration and community development through ecosystems for skill development, firm upgrading and innovation (Almond et al., 2017; Coe and Yeung, 2015).

6. Redefinitions of the role of the state

The optimistic frame of the post-war decades was of a protective state geared to expand freedoms, including at work (Arthurs, 2012). Over recent decades, what Peck (2010) labels the 'free market project' has increasingly asserted its pre-eminence: in terms of market liberalisation, the reduction of social welfare (Crouch, 2014), the 'new public management' for state services (Bach and Givan,

2011), and the internalisation of neoliberal norms by social, not least union, actors (MacDonald, 2014). The accelerated transfer of this neoliberal statecraft between jurisdictions challenges the narrative of the protective state, favouring the dismemberment of social rights and worker protections (Clauwaert and Schömann, 2012; Peck and Theodore, 2015). Yet, a powerful counternarrative now points to the resurgence of a preeminent state role for health and well-being, as illustrated by the COVID-19 pandemic (ILO, 2020); industrial policy (Mazzucato, 2018), the environment (Rodrik, 2014; Stroud et al., 2018), equality through fiscal and social policy (Bourguignon, 2015), and equity for women, migrants and persons of colour (Connell, 2011). This can create opportunities for enhancing voice, deliberation and actor capabilities (Bowman et al., 2014; Salais and Villeneuve, 2004; Wainwright, 2009).

7. Transformations in identity, solidarity and values

The construction of insiders and outsiders challenges the legitimacy of prevailing institutions in the governance of work. This separates those who benefit from institutional legacies from those who do not, whether generational cohorts, precariousness and intersectional gaps on the margins of the labour market (Prosser, 2016), and exclusion from channels of representation. Yet these shifts are not unidirectional: the purported rise in individualism is also a space for new collective identities (Peetz, 2010); social media is not merely disruptive of solidarities but a medium for new ones (Heckscher, 2015; Wood, 2015). The affirmation of more varied civil society and stakeholder interests moves beyond classic trilogies (worker, employer and government), giving rise to multiple institutional forums (Murray, 2013; Tapia et al., 2015), challenging social actors on social and ethical issues (Williams et al., 2015), opening up new possibilities for equality (Acker, 2012), and highlighting the role for civic engagement and dialogue (Della Porta and Rucht, 2013; Fung and Olin Wright, 2003).

Given the challenges and uncertainties that these fault lines entail, actors in the world of work are engaged, or likely to be engaged, in a prolonged period of experimentation within and between different arenas for the regulation of work and employment.

From institutional change to experimentation

From the mid-1980s, growing interest in the idea of post-Fordism and in identifying more carefully how different forms of work organisation were socially constructed and embedded in institutions (e.g. Piore and Sabel, 1984; Sorge and Streeck, 1987; Sabel and Zeitlin, 1997) evolved into an increased effort to understand varieties of capitalism, and their capacities for adapting to changes in markets, technologies and regulation including the link between employment systems and embedded institutional legacies.

Over the last decade, this line of research has shifted more explicitly into the analysis of institutional change and, in particular, of the way in which neoliberalism as an international regime associated with the changing nature of the state, the deregulation of markets, the growing financialisation of firms, new technologies and the internationalisation of production networks has intersected with and reshaped different forms of capitalism, restructuring work and employment systems and undermining collective bargaining institutions (Baccaro and Howell, 2017; Thelen, 2014).

This agenda has sparked multiple empirical studies of change in the regulation of work and employment across a wide variety of forms of capitalism. However, this literature suffers from three problems. First, it tends to underestimate the degree of crisis and uncertainty and

overestimate the coherence, stability and commonalities in the manifestations of neoliberalism. Labour is often depicted as either defeated or incorporated into the neoliberal reform agenda, and the underlying instability of the social and economic order that reflects continuing disruptive change is subordinated to accounts of the triumphant march of neoliberal institutional change. Secondly, while the multiple sources of disruption are spawning a vast array of new forms of social agency, there is insufficient attention to what Hall and Lamont (2013) describe as the 'resilience' of social actors. These actors are seeking out new ways to contend, resist and survive, looking for innovative paths to improve their conditions and working to redefine the organisational and institutional spaces in which they operate. Finally, this literature often minimises the interplay between agentic and structural power (Culpepper, 2017), where social actors are seeking to renew their power resources and collective capabilities (Lévesque and Murray, 2010).

There is a need to develop a framework that complements previous efforts to understand institutional change but shifts the focus to how actors at different levels, in multiple organisational contexts and institutional arenas (e.g. at local and regional levels, through formal and informal transnational linkages, through exploiting new social media community spaces) are experimenting in response to the disruption of traditional sources and forms of regulation. This involves a shift from an *institutional change* approach (generally based on the efforts of organised collective actors to rebuild institutions from the top downward in order to shift the established rules of the game more in the direction of their own interests) to an *organisational and institutional experimentation* approach (where social actors experiment with new ways of organising and sometimes then seek to institutionalise this experimentation into understandings, norms and rules that transcend particular organisations).

This approach to experimentation is not that of classic positivist science, with its emphasis on conducting randomised, controlled experiments to isolate effects. Rather, the focus is on how social actors contend with and respond to uncertainty through the generation of solutions to problems through 'a process of iterative adaptation to new circumstances and experiences that entails a certain idea of progress . . . as a continuous reconstruction of experience' (Ansell and Bartenberger, 2016: 65).

This notion of experimentation is rooted in the American pragmatist tradition of social change: faced with challenges to their knowledge and understanding caused by the changing nature of the world and their limited cognitive capacities, social actors seek to alter their practices. These actors must balance between what they thought they knew, what they are capable of doing in the light of existing path dependencies, and what they would like to achieve (Sabel, 2012). The language of experimentation emphasises tentative moves towards new forms of knowledge and practice, of tentative solutions to practical problems. Actors form strategies and hypotheses (e.g. how x is related to y; or more specifically how setting up a particular organisational form might lead to certain desired social outcomes in the face of disruptions and uncertainties). These hypotheses or strategies may reflect dominant thinking or emergent ideas.

For Dorf and Sabel (1998: 314), experimentalism can be seen as 'a form of collective problem solving suited to the local diversity and volatility of problems that confound modern democracies'. Sabel and Zeitlin (2012) present experimentalism as a response to strategic uncertainty 'where the parties face urgent problems, but know that their preferred problem-solving strategies fail, and therefore are willing to engage in joint, deliberative (potentially preference-changing) investigation of possible solutions.' Kristensen and Morgan (2012: 415) point to 'the mutual constitution of actors and institutions' in a context of globalisation, heightened competition and uncertainty, where actors engage in an 'experimental search for new institutions and governance principles'.

More recently, a range of authors have identified the importance of experimentation: Stone (2014: 305) on the 'green shoots' of policy experimentation in different national settings as globalisation's destabilising tendencies open up space for policy experimentation in the area of employment regulation; Fine (2015) on the emergence of new combinations in the governance of work, where policy entrepreneurship and worker agency are intertwined between different regulatory arenas, which she aptly describes as a 'bricolage of organisational forms'. Institutional experimentation is certainly not unidirectional: multiple experiments can as often lead to worse outcomes (Peck and Theodore, 2015). Experimentation can also be a transitional strategy, where local experimentation explores alternatives to blockages in laws and policies at other levels (Arthurs, 2014; Dean and Reynolds, 2010; Kallberg, 2011). Kuznetsov and Sabel (2014) emphasise that such recombinations occur because of the absence of *ex ante* solutions, which means that governance strategies to reshape institutions need to connect existing institutional frameworks with out-of-the-box solutions. Without guarantees of desirable results, such approaches point to the importance of understanding actor strategies in the face of disruption.

Work re-regulation is taking place, at multiple scales, sometimes within a single arena, often, through new combinations of arenas and with intersecting fields in finance, trade, industrial policy and the environment. The literature increasingly highlights the importance of agency as both global and local actors seek to redefine the spaces in which they operate through processes of experimentation. Be it in terms of identities, framing, strategic repertoires, resources, capabilities or skills, the understanding of collective actors is central to understanding the outcomes of such experimentation (Fligstein and McAdam, 2014; Ganz, 2004; Kristensen and Morgan, 2012; Lévesque and Murray, 2010; Mahoney and Thelen, 2010; Turnbull, 2006; Williams et al., 2015).

Processes of experimentation

Drawing on the literature on experimentation highlighted above, how might we characterise such experimentation from the point of view of actors in the world of work? Perturbations, such as the fault lines of change we outlined above, disrupt traditional or predominant forms of regulation of work and employment. Actors, facing strategic uncertainty, seek to respond to these challenges to their institutional and regulatory legacies. These responses typically entail a shift in strategic repertoires, often something new or some recombination of the institutional legacies of these actors. The choices may reflect a power struggle among different actors. The strategies may be operative at different levels (workplace, firm or organisation, sector or industry, region, society, etc.) and they may take different forms (individual and collective actions, policies, agreements, legislation). The experimentation is typically deliberate but it may also be emergent as actors come to realise in process that they are engaged in such experimentation. The experimentation may be permanent but can also be temporary. It can be a success or a failure or somewhere in between. The experimentation is necessarily deliberative and reflexive where actors are assessing the nature and results of their experimentation and seeking to draw lessons from this process as they face continued uncertainty and perturbation of traditional forms of regulation.

Figure 1 presents a highly idealised version of such a process. Proceeding clockwise from the top, cognitive real-world challenges, as encapsulated by various forms of disruption, prompt actors to develop new strategies and combinations in the regulation of work. This further requires a search for various organisational and institutional resources and allies in terms of labour, finance, technology, law, etc. that are necessary to carry out their experiment. Such resources may not be available and experiments may collapse very early due to institutional constraints; just as institutional resources may enable experimentation. If, however, resources are available, then actors put
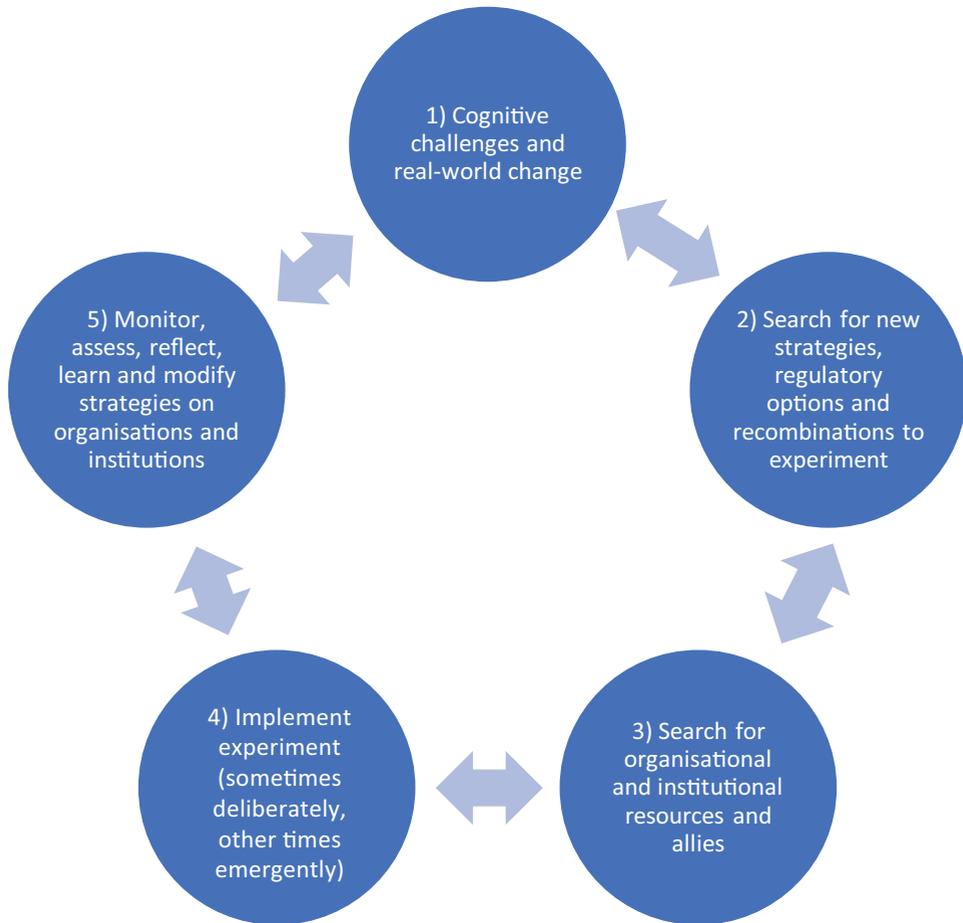
Figure 1. The process of experimentation.

them together in new ways or add new resources from elsewhere to create a process of entrepreneurship and bricolage. This is the phase of experimentation, which may be deliberate, but it might also be emergent in that the nature of the experimentation only emerges in the process of generating and implementing the experiment. The next stage concerns seeing whether the new strategies and forms of regulation produce the outcomes desired (or not). Experimentation therefore requires a final stage of monitoring and assessing outcomes, reflecting on them and learning about how to modify or abandon the new strategies or seek to overcome obstacles, institutional and other, in the pursuit of the experiment.

Alongside such organisational experimentation, actors may also engage with a second level of experimentation, i.e., whether there needs to be *institutional experimentation* to facilitate new organisational practices and forms. Do new institutions need to be created or old ones reconfigured in order to make the organisational experiments more feasible? Do formal/informal rules need to change? Do new understandings of relationships need to be formulated and communicated? Do new types of organisations and technologies need to be brought into the action field? The key insight of this approach is therefore that the impetus for experimentation at the organisational level,

which derives directly from actors' experience of disruption and their resilience in responding to this, is likely to draw them into a wider effort to rewrite institutional rules and create new frameworks for understanding. In turn, this brings them into confrontation with other actors defending existing institutions or aiming to reshape them in different ways. So organisational and institutional experimentation take place within a context of power dynamics and conflicting interests at multiple levels.

Both types of experimentation require meticulous analysis of how actors mobilise their resources and capabilities, of their strategies to maintain, disrupt and transform organisations and institutions at different levels, arenas and contexts, and of what we can learn from them. It also raises the question of cross-cutting variables that might influence the importance of specific capabilities in particular contexts. These capabilities might vary by social, regional and urban locations (hence the importance of an analysis that is comparative across countries but also across locations within countries and that considers the intersection of multiple social constituencies such as social class, gender, race and migration status), by organisational context (hence the analysis of different types of organisations), by institutional context (hence the analysis of different types of institutional configurations, notably emerging versus developed economies, and liberal-market versus coordinated economies), by the specificity of particular regulatory arenas (hence the need to take account of different regulatory traditions) and, by the attributes and identities of different collective actors who might prove to be more or less adept in these experimentation processes.

It is clear that in the current environment, a first and often predominant type of experimentation can be identified with the extension of neoliberalism, marketisation, outsourcing and the individualisation of employment as extensively discussed (e.g. Baccaro and Howell, 2017; Greer and Doellgast, 2016; Peck, 2010; Thelen, 2014). First movers in processes of organisational experimentation have often been entrepreneurs taking advantage of deregulation, changing production networks and new technologies to establish new and highly exploitative forms of work and employment. However, our main focus is on a second type of experimentation, namely responses and resistances to neoliberalism which are characterised by much greater diversity or as Peck describes it 'irreducible complexity, limitless variety, grassroots creativity and effervescent potential'. We label this provisionally as 'hybrid experimentation' to emphasise the notion that these efforts often involve a process of bricolage and building, bringing new and old elements together as previously discussed. These experiments are hybrid because they entail a combination of *old* practices that are institutionally embedded and *new* processes and rules that are in some way different and are being developed by actors under pressure from disruptive forces. The result is a hybrid of the two rather than just the old being replaced by the new. Hybrid experiments involve efforts to create new forms of organisations and institutions that may well mitigate neoliberal pressures and offer the possibility of reshaping the regulation of work and employment so that it is more rewarding and meaningful. Table 1 presents examples of this distinction to better draw out this duality: first, between neoliberal and hybrid experimentation; second, between organisational and institutional experimentation.

In what follows we concentrate on what we term hybrid experimentation at both organisational and institutional levels.

Hybrid experimentation at the organisational and institutional levels

Hybrid experiments are developed in relation to the disruptions occasioned by the fault lines of change outlined above. Following Figure 1, organisational experimentation identifies the cognitive mismatch and real-world challenges emerging in particular arenas. It is focused on how actors in

Table 1. Neoliberal and hybrid experimentation.

	Neoliberal experimentation	Hybrid experimentation
Organisational experimentation	Zero-hours work contracts Temporary agency work	Freelance work coordinated through collective enterprises (see the example of SMart discussed below) to coordinate employment contracts Efforts to develop common platforms for representation, bargaining and services for temporary agency workers
Institutional experimentation	Legitimating the self-employed status of gig workers, thus depriving them of social benefits and protections Legislation and policies that facilitate the fissuring of the workforce on the basis of seniority or status	Building social demands for living wage and training into public procurement standards Legislation and policies that prohibit distinctions between workers on the basis of seniority or status

Table 2. Hybrid experimentation, actors and institutions.

Degree of autonomy and experimentation capacities amongst actors in the world of work	Loose institutional constraints on organisational experimentation	Tight institutional constraints on organisational experimentation
High	Experimentalist institutional setting e.g. existing institutions provide openings to enable organisational experimentation	Social actors have to concentrate on weakening institutional constraints to facilitate experimentation, e.g. by building new institutions first
Low	Potential to increase experimentalism by improving autonomy and other capabilities amongst actors in the world of work e.g. focus on the development of actors' collective capabilities	Limited experimentalism, possibly limited to repertoires of resistance e.g. less scope to engage in experimentation, yet alone to scale it up

the world of work look to modify or develop new forms of organisation and organising in order to respond to disruptive challenges. It is possible to imagine a wide range of organisational experiments in different institutional arenas for the regulation of work and employment. Such experimentation varies across social spaces within and across national contexts. Political agency (including the nature of political parties and local political governance structures in relation to national governance systems), diversity of populations, existing cluster and agglomeration effects embedded in local institutions are obvious factors to consider. Some institutional settings encourage more experimentation and/or allow more diversity than others, depending on which arena we are examining. Some environments may facilitate the creation of more autonomous actors engaged in experimentation. Table 2 suggests a two-dimensional model of experimentation depending on the degree of autonomy and capacity to engage in experimentation on the part of actors in the world of work and the extent to which the institutional contexts enable or constrain organisational experimentation.

A key issue is that these processes of organisational experimentation may or may not transition towards institutional experimentation. There are multiple approaches to the understanding of institutions, which are unlikely to command common accord because of their differing analytical focus (Morgan and Hauptmeier, 2014). Drawing on the insights of historical institutionalism, institutions are less the product of rational design than the aggregation of the agency of multiple actors with their varying sources of power, contestation and creativity, and which come to frame and constrain individual and collective agency (see, for example, Djelic 2010). Institutions can thus be seen as temporary agreements over formal and informal rules reached by such actors. In focusing on both organisational and institutional experimentation, of particular interest is how endogenous and exogenous change can disrupt power relations and thereby feed into institutional change though these processes of experimentation. Scott's definition of institutions usefully highlights what he sees as the central ingredients of institutions. These are the 'regulative, normative and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life', thus emphasising their resistance to change and their transmission (Scott, 2008: 48–49). This neat analytical distinction helps to clarify changes by degree along a continuum for each dimension, but it needs to be understood that this is likely to be a messy and uneven process, characterised by agency and power relations, and hence the interest of the lens of experimentation. Whilst the mechanisms of institutional experimentation may be broadly similar to organisational experimentation, this move to the institutional level requires a change in scale and degree as the level of analysis shifts to the shared understandings, norms and rules that formally and informally will shape actor and organisational behaviour.

Institutions may enable or constrain the experimentation undertaken by actors. Organisational experiments can work singly without necessary recourse to institutional experimentation but actors may feel that they can work better and their experiments spread if enabling institutions are developed and/or constraining ones loosened or changed. Whereas organisations are centres of decision-making and accountability and therefore can be defined in terms of a distinctive and defined governance structure and a life cycle from start-up to dissolution or absorption into another organisation, institutions are more diffuse, their effectiveness can ebb and flow, and there is no centralised decision-making authority. Whilst the concept of institutionalisation suggests a degree of embeddedness and fixity of understandings, norms and rules, the movement from organisational to institutional experimentation is fluid, uncertain, contested and often subject to failure. Yet, we believe that it is essential for the understanding of actors engaged in experimentation about the regulation of work and employment.

Imagining institutional experimentation

We briefly highlight two examples to illustrate the complexities of this process where organisational experimentation runs up against the limits and potentialities of institutional experimentation. These are co-working and new forms of collective representation.[1]

As argued above, the unbundling of the firm in combination with the emergence of digital platform technologies capable of controlling, allocating and monitoring work at a distance have led to a process of neoliberal experimentation in the fissuring of standard employment. In its place, we have seen the growth of a wide range of employment and self-employment based on the individual

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1 These two particular examples draw on empirical research conducted by the co-authors in the United Kingdom and the United States in the context of the *CRIMT Partnership Project on Institutional Experimentation for Better Work* (see Acknowledgements).

organising his/her own work and work time. Such tasks are accomplished within constraints set by platform companies and where trade unions and collective bargaining are almost non-existent and so too the social protections associated with salaried work. They often lead to low wages, irregular work, limited social protection and low self-esteem.

However, this individualisation of work has been accompanied by a counter-movement, a form of hybrid organisational experimentation, involving new forms of collective organisation and capabilities. Many workers in the gig economy want some form of sociability in work and are not content to work singly at home or in a café. They want to go out somewhere, to put boundaries around working life and to interact with people in similar circumstances. Co-working spaces have thus grown rapidly in many urban spaces characterised by high levels of self-employed freelancers. Some co-working spaces are just an office; but others offer forms of sociability and identity through the location and design, of the space, through the organisation of activities and by curating connections to develop new projects and technological communities. Some collaborative self-organisations such as the non-profit SMart model originating in Belgium have developed new forms of collective services and social insurance for freelance workers. These include information, training, legal advice, networking, co-working spaces, standardised contracts and invoicing tools[2] (see also Charles et al., 2020).

Co-working spaces are also affected by entrepreneurial actors. Some are merely a new breed of property managers seeking to replace the previous tenants, such as large firms, which have been unbundled. Others, notably local governments, see co-working as integral to urban regeneration, utilising spaces in the inner city and encouraging a new workforce to revive older areas. Still other actors, notably community groups, see the potential for collective organisation and the development of collective capabilities in the new individualised work context by overcoming exclusions through technologies, advice, networks and support for disadvantaged groups. Efforts to link these co-working spaces and the individuals in them to trade unions and or other forms of collectivity are also appearing in these types of experiments. Some of these organisational experiments spectacularly over-reach as in the case of WeWork; others evolve and grow. Barely a decade old, and despite the constant churn, this movement is transforming urban spaces and the possibilities of work.

What does it mean to look at this from the point of view of institutional experimentation and not just in terms of the formation of new types of organisations? Scott's (2008) threefold characterisation of institutions points to cognitive, normative and regulative institutional pillars within which action is enabled and constrained.

First, the concept of 'co-working space' has become a broadly understood and recognised cognitive frame, a shared understanding, that is ripe for diffusion and incorporation into a range of policy discourses about how to manage the new urban space and the new world of work characterised by contractors, freelancers and the self-employed in digital, media, creative industries in particular.

Secondly, normatively, co-working can offer a seemingly attractive combination of structure and freedom for this new freelance workforce: the collective nature of co-working fulfils the 'need' for the sociability lost to recent changes in the nature of firms, technology and work; it provides some sort of structure to the work day but a structure decided on by the individual who can decide when to go to the space, when to leave, how much interaction to have, etc.

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2   https://smartbe.be/wp-content/uploads/2015/07/What-is-SMart.pdf (accessed 21 March 2020)

Thirdly, these cognitive and normative expectations, which themselves generate emulation and learning across multiple spaces, are connected to regulative institutions. For co-working spaces, crucial regulative institutions concern city planning (building use), fiscal incentives (land use versus financial speculation) and community development. They are often regulated at the level of regional and local governments. How far these cognitive and normative frames on co-working become routinised will depend in part on particular regulative contexts, their resistance to other forms of collective organisation (for example, trade unions) and their openness to narratives that embed the idea of co-working spaces as solutions to a range of contemporary problems regarding work, autonomy, sociability and life style. Any transition to forms of institutional experimentation may take place in different ways. It may be primarily taking place through diffusion and mimetic processes involving cognitive and normative pillars, which allow others to learn from their organisational experimentation as they seek to reproduce and/or adapt these experiments in other contexts. Or it may entail the actual reshaping of regulation to facilitate the development of these alternative models.

The hybrid experimentation undertaken by a city such as Barcelona in its development of co-working spaces reflects a political, economic and cultural trajectory. Indeed, this particular initiative reflects a wider understanding of changing cognitive, normative and regulative assumptions about the evolution of the world of work. Some, of course, will yearn for a return to the regulative assumptions of standard employment; but the direction of hybrid institutional experimentation is to search for institutional arrangements likely to enable further organisational experimentation and the development of collective capabilities and actor agency in this new context.

Another example of the potential transition from organisational to institutional experimentation is illustrated by UE (United Electrical Workers) Union Local 150 in North Carolina.[3] As a right-to-work state characterised by ferocious employer opposition and multiple legal obstacles to unionisation, North Carolina has one of the lowest levels of unionisation in any state in the United States (just 2.3 per cent of workers were union members in 2019). The traditional model of majority collective representation with exclusive bargaining rights, as nominally exists under US collective bargaining law, is not realistically available to North Carolina workers. It might be argued that the institutional framework is so constraining in terms of traditional trade union repertoires centred on achieving union certifications and collective agreements, that it has actually contributed to hybrid organisational experimentation. It is an example of where collective actors on behalf of workers are able to develop new capabilities, despite these institutional constraints.

Faced with terrible working conditions, the Housekeepers' Union at the University of North Carolina began organising in the 1990s. With the help of Black Workers for Justice, an organisation focused on improving the fate of poor minority workers, the predominantly black and female housekeepers won a significant settlement in a discrimination lawsuit. This led to ongoing organisational experimentation whereby a local union ran against the grain in not aspiring to either certifications or collective agreements but simply to represent workers who needed such representation. As one of the key UE veteran organisers reflected on the experience: 'Having a union doesn't mean you have to have a majority of workers or a union contract [. . .] A union exists

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3   A union local, equivalent to a union branch, is a locally organised group of workers, typically with a charter from a national or upper-level union organisation. It may organise workers by territory, industry, occupation or workplace. UE Local 150 organises primarily public workers and has chapters in cities across the state of North Carolina. Its stated long-term goal is 'collective bargaining rights for public employees': http://ue150.org/about-2/ (accessed 21 March 2020).

whenever workers come together to form an organisation to build power' (Saladin Muhammad, co-founder of the Southern Workers Assembly, cited in Elk, 2017).

Faced with tremendous adversity, UE Local 150 well illustrates how collective labour actors recombine resources and repertoires, most often experimentally, to solve pragmatically some of the problems they face. UE organisers and Local 150 leaders did not report any deliberate intention or well-thought-out plan to engage in this experimentation – it simply emerged from the necessity of action to make common cause with these workers. This organisational experimentation has been facilitated by various resources and the development of collective capabilities. Drawing on civil rights traditions and the Moral Mondays Movement launched in 2013 to protest against Republican legislation in North Carolina, they were also able to use civil disobedience as part of a wide range of tools in their repertoire to fight for justice in the workplaces where they were present. In some locations, they were able to use Section 7 rights from the National Labor Relations Act, a form of minority unionism which allows representative organisations to petition and be heard by the employer. All of this was done in the absence of formal collective bargaining rights and with the continued support of the United Electrical Workers.

It is again possible to identify cognitive, normative and regulative dimensions of this attempt to institutionalise this form of collective representation.

Cognitively, there is a shared understanding, a taken-for-grantedness, to borrow Scott's term (2008: 53), that the old model of collective representation no longer works in a context like that of North Carolina. There are isomorphic pressures to adapt and other union organisations have begun to mimic the organisational experimentation pioneered by UE Local 150 as it challenges the way union organisers think about organising and representing groups of workers.

Normatively, these organisations espouse traditional values, sometimes in novel ways, and norms about how actors in this kind of organisation should behave. To cite one example, and drawing on repertoires from the civil rights movement, in the light of the illegitimacy of regulative frameworks on collective representation, civil disobedience becomes an accepted tool. The new experimental models are strongly informed by a moral code about the plight of workers and particularly those who have deep historical grievances about discrimination at work and in their communities.

But this organisational experimentation runs into regulative obstacles. There are few effective legal supports, notably in the form of labour legislation. With the exception of the Section 7 right to petition, the institutional framework is altogether constraining. Nor have the internal rules of union organisations been recast to support these new models, which must operate with limited financial resources. Yet the cognitive and normative case for such experimentation is compelling – to the extent that many union and collective organisations are experimenting with the institutionalisation of this model that speaks to larger disruptive fault lines in the organisation of work.

These two examples illustrate the uncertain nature of attempts to move from organisational to institutional experimentation. The process is neither straightforward nor automatic. Rather, we observe a variety of trajectories, sometimes interacting with each other through learning, through diffusion and through global corporate strategies (as in the case of the WeWork phenomenon). The frontiers between organisational and institutional experimentation are fluid and often more evident in hindsight. It is a case of collective actors exploring the frontiers of their uncertainty in reaction to real problems they face. Nor is the hybrid nature of such experimentation immune from neoliberal encroachment. The aspiration to collective capabilities for co-working can collapse or morph into a business model driven primarily by financial objectives, driving out the social elements. Not all pillars necessarily support the movement from organisational to institutional experimentation. For example, the normative and cognitive pillars may be driving diffusion and adaptive learning in

Table 3. Changing normative and regulative pillars.

	Informal rules: understandings, norms and expectations	Formal rules: hard law and soft law
Enabling: Collective actors want more institutional support for their organisational experimentation	Alter the understanding of key concepts and what they mean, e.g. put the spotlight onto the public purpose of corporations, make the argument for the emergence / reinforcement of norms	Develop soft law agreements on various issues (e.g. living wage) at local level (e.g. in companies, cities) and gradually diffuse these into more territories and at national level
Constraining: Collective actors want to get rid of constraints on their experimentation	Delegitimate existing understandings, norms and expectations by reference to narratives of failure, dysfunction, inequality and absence of democracy	Challenge hard law by drawing attention to inconsistencies and incoherence or by reference to changed environment or making the case for new forms of regulation e.g. changing the rules on platform work

other organisations, but the regulative pillar could be undermining the sustainability of such experimentation. Or, regulative changes might open up new potential for organisational experimentation while the cognitive or normative pillars are not yet in place to ensure this movement from organisational to institutional experimentation. Organisational experimentation can fail because of the lack of institutional supports and it may prove impossible to develop new supportive institutions or turn older institutions into less constraining structures. Yet our two cases illustrate a common movement where organisational experimentation tends to seek a firmer footing through institutional experimentation.

This means that, in terms of institutional experimentation, the interplay between emerging normative informal rules (understandings, norms and expectations) and regulative formal rules (hard law and soft law) will be central to understanding how processes of institutional experimentation emerge, are reinforced or weakened so as to enable or constrain the actors engaged in experimentation. Collective actors might be seeking more institutional support for their organisational experiments or they may want to get rid of constraints on their experimentation.

As illustrated by Table 3, a working hypothesis might suggest that the more emerging informal and formal rules reinforce each other, the stronger the framework for *institutional experimentation* and the greater likelihood of moving towards some form of institutional embeddedness. But it is as likely that informal and formal rules are in tension, giving rise to a messier and uneven process of change. Further, as Streeck and Thelen (2005) discuss, it may be easier to adapt institutions gradually and incrementally, turning them into enabling supports rather than to get rid of institutions which are perceived to be constraining.

This points to a need for a sharper understanding of the temporal dimension of these processes of institutional experimentation. An idealised timeline might be conceived as the movement from *organisational experiments to institutional experimentation to some form of institutional embedding*. However, such a process is likely to be quite uneven, can break down at any point, and might follow a reverse logic where institutional experimentation spawns organisational experimentation, including in unanticipated ways. Nor should the spatial dimension be

discounted where experiments produce better results in some locations to the detriment of others (Castree et al., 2004).

It might also follow that efforts to provide a more comprehensive institutional footing for hybrid experimentation will be a key task in understanding these processes of experimentation. Of course, many critics of neoliberalism will suggest that this cognitive frame has long been available, but the search for an encompassing discursive clarity in so many experiments suggests that the emergence of such a narrative is part of the sense-making pursued by resilient actors, thus undermining claims by some as regards the ready availability of an overarching counternarrative. Some of the pillars are readily identifiable: sustainability; dignity, fairness and equality; autonomy; citizenship and democracy. But we argue that this is a task for reading across cases of experimentation and the detailed work of collective social actors seeking to construct that narrative.

The idea of hybrid organisational experimentation as distinctive from neoliberal organisational experimentation replicates itself here. At the cognitive level, the origins of neoliberalism and how it has evolved as a relatively coherent but evolving system of thought has been discussed in many sources, as has the cognitive basis of Keynesianism (Harvey, 2005; Peck, 2010; Stedman Jones, 2011). However, the cognitive basis for hybrid institutions appears much looser. Thus, whereas neoliberalism can present a coherent explanation as to what links shareholder-driven firms, the shrinking of the state, the decline of collective representation, the regulation and deregulation of markets, these are only loosely connected in any alternative or hybrid account. These loose connections are partly derived from a return to Keynesian ideas but also from a wide range of social movements and a more limited range of social theories concerned with the impact of globalisation, inequality, sustainability, climate change, human rights etc. This means that most efforts at institutional experimentation tend to draw on more local and specific cognitive frames rather than advancing 'one big idea'. This tends to weaken such efforts because they face a dominant 'no alternative to neoliberalism' approach. Whilst there may be coherent cognitive and ideational factors facilitating specific institutional experimentation, they can be undermined by the lack of a bigger picture embedded in a generally accepted framework.

Finally, there is a need for a better understanding of how these experiments might alter both the power resources of actors and the structural power of business, the state and labour within the political, economic and social fields of capitalist economies. Some experiments might well increase labour's power resources without altering the structural domination and subordination of labour. Other experiments might affect such structural domination. Yet others might both weaken labour power resources and enhance structural domination. The combined effects of such organisational and institutional experimentation are likely to be central to an understanding of the re-ordering of the regulation of work and employment.

Conclusion

The experimentation taking place in both organisations and institutions is at the contested centre of the shape of work for the future. In an era of persistent disruption of existing forms of regulation of work and employment, new middle-range theories focusing on actor strategies are required. Building on existing institutional analysis, we suggest that the move from institutional change to institutional experimentation supplies a new comparative focus that picks up on: (a) the continuing crisis-ridden nature of neoliberalism; (b) the persistent and growing resilience of social actors, even in constrained institutional settings and in the face of tremendous perturbations, to experiment with new organisations; and c) the need to inform actor strategies in efforts to engage in organisational experiments, to develop institutional experiments likely to open up space for further

experimentation and, ultimately, to embed new institutions founded on an emerging discourse on equality, democracy, citizenship and emancipation.

There has been no systematic analysis of such experiments and even less exploration of their implications – and all the more so at a time of a global health crisis. Peck and Theodore (2015: 238) rightly point to the need for a social infrastructure that 'sustains rather than saps cumulative forms of progressive experimentation and which prioritises alternative methods for marrying radical designs to redistributive and emancipatory strategies'. Drawing on traditions of deliberation and reflexive problem-solving, the approach outlined here provides one way for thinking about how social actors in the world of work contend with and strategise around disruption and seek to build a better future for work and all those who perform it. That is a compelling and transformative research agenda for progressive scholarship and, in these tumultuous times, one that is likely to connect researchers and social actors in thinking about pathways to a better future.

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