

# International Actors and International Regulation

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## INTRODUCTION

Industrial relations (IR), as a field of study, is oriented around the nation-state. When Dunlop (1958) proposed the concept of an industrial relations system, this was nationally bounded; though his aim was in part to compare and contrast different national systems, the idea of an international system was not addressed. Yet can we speak of an international industrial relations system? Writing of developments within the European Union (EU), Jensen et al. (1999) argue that we can identify supranational equivalents of Dunlop's three actors – representative organizations of workers and employers, and government agencies – and that their interactions are creating a supranational body of rules. Hence, they conclude, a European industrial relations system exists. The same might be said of the global level, as this chapter explains. But how far do the international 'actors' match our understanding of trade unions, employers' associations and governments at national level? And how far do the rules they create match the laws and

collective agreements normally seen as typical of national employment regulation? My aim is to suggest answers to these questions.

When academic industrial relations became established in the mid-twentieth century, the main collective actors and the main arena of regulation were clearly nationally based. But this primacy of the national level has been challenged in recent years, both practically and analytically. The spread of multinational companies (MNCs), and other aspects of economic internationalization, are widely seen as weakening or undermining the capacity for regulation at a national level. While my intention is not to focus on the debates over the concept and extent of globalization (the theme of Chapter 6 in this volume), these processes have stimulated a growing interest in the possibility of international regulation of the employment relationship. But despite a growing body of international law and other forms of regulation, and an expanding academic literature documenting and interpreting the implications of supranational action, this remains relatively unfamiliar to most students of mainstream industrial relations.

For this reason, this chapter needs to present considerable empirical detail as well as to review existing theoretical debates. I shall begin by addressing some key conceptual and definitional issues, before outlining the background and structure of the international industrial relations system and the actors within it. I will then discuss some of the motives for organization and action at this level, exploring similarities and differences as against national industrial relations. Next I will address some of the main instruments of supranational regulation, again comparing and contrasting with their national analogues. My conclusion will be that it is indeed meaningful to speak of international industrial relations, but that it is a mistake to interpret it as a national system writ large.

### DEFINITIONS, CONCEPTS AND ANALYSIS

Most literature on the international level of IR tends to apply concepts and theoretical approaches originally developed at national level. Before I consider how far this is appropriate, it is necessary to clarify what we *mean* by the international level in the context of industrial relations. This question has probably been more extensively addressed in the EU than the global context (Böröcz and Sarkar, 2005; Dølvik, 1997; Schmidt, 2002; Wallace, 2000).

There is a continuum in the division of powers between national and international levels. At one extreme is *supranational* authority, where higher-level institutions can impose rules on national actors, at the other is *internationalism*, where higher-level competence is conditional on consensus among the national actors. In between are *federal* structures, with a clear functional division between the autonomy retained at national level and that of supranational authorities, which may itself depend on a large majority of support from lower-level actors.

In IR, with very few exceptions: the *international* form of organization is the norm. Nation-states tend to delegate very

few of their powers: much of the tension within the United Nations (UN) system, and more recently within the World Trade Organization (WTO), has to do with the extent of supranational authority. This is also the case for national unions taking part in trade union internationals: they agree to pay dues and accept the collective choice of leadership, although not always with good grace, but in practice have rarely agreed to delegate substantial powers of policy-making or negotiation. Employers' associations have been even more restrictive.

### ***National and international: parallels and differences***

As noted above, much analysis of the international level of industrial relations has proceeded by analogy with the national. This is misleading. The state has *citizens*; despite the occasional rhetoric of 'world citizenship', individuals do not possess an analogous set of rights and responsibilities *vis-à-vis* international institutions. Trade unions have *members*, who directly contribute to union funds and possess corresponding rights and obligations; international union organizations (leaving aside the special case of those unions which bridge the US-Canadian border) possess members only indirectly, through the affiliation of national bodies. The same is also true of most national confederations; but union internationals are one step further removed from individual members. This distance has been an important area of debate, with some arguing that this has allowed trade union internationals to misrepresent the concerns of individual members (Thompson and Larson, 1978). Likewise, international employers' associations often affiliate national organizations rather than individual companies.

A related issue is the *basis of legitimacy* and *nature of decision-making* at international level. I will cover the issue of governance within intergovernmental organizations below. Looking at the other actors, while there are few expectations for individual employers to operate democratically, their

associations are expected to do so, much like international trade unions. But the distance from their base makes this difficult; moreover international bodies must deal not only with the core issues which affect members at national level, but also with world politics and political rivalries between nations. For employers' associations, this is not necessarily a problem; for trade unions it is, because the labor movement relies on its members and their capacity to act (Coates and Topham, 1980: Chapter 11; Hyman, 2005a). For unions, authority depends on democratic accountability to the members – their 'internal authority' (Martin, 1980); yet to be effective, unions must be regarded as representative by outside bodies, such as employers and governments. This external authority can be closely linked to internal authority: if members support the union, employers and governments will take it seriously. Yet some argue that if unions pay too much attention to the agenda set by external interlocutors, they may cease to represent their members' interests effectively and may thus lose internal authority – which in turn may erode their external representative capacity. This issue has been discussed by Dølvik (1997) as a tension between the 'logic of membership' and a 'logic of influence'.

### ***The nature of international regulation***

At international as at national level, the industrial relations actors operate within a *regulatory system* which constrains their actions. To some extent, the governmental actors overlap with the regulatory system itself – national governments, for example, are actors within intergovernmental institutions such as the International Labour Organization (ILO), and these intergovernmental bodies themselves formulate policies and programmes that in turn have an effect on the nature and scope of international regulation, but it is important to maintain a conceptual distinction between their role as actors and as components of the supranational system.

The international regulatory system is not identical to that at the national level: the type

of structures and their internal decision-making processes, the time-scale of their development, the type of governance and the extent of their regulatory powers are very different, although questions of legitimacy and authority show many similarities. Since the Treaty of Westphalia in 1648, the sovereignty of nation-states has been a fundamental principle of international politics; in normal circumstances, the right of self-determination can only be voluntarily abrogated. In general, nations have been willing to assign only tightly bounded powers to intergovernmental institutions, imposing decision-making rules which restrict the chances that they will be bound by policies to which they object. Similar constitutional limitations apply in the case of international organizations of unions and employers. This principle of 'subsidiarity' is reinforced by the long time gap between the consolidation of nation-states and the creation and development of an international system (from approximately the mid-nineteenth to mid-twentieth centuries).

### ***Governance and government***

Even those international organizations with relatively strong sets of competence lack key defining characteristics of governments. National states, in Weber's definition (see Chapter 14), hold the monopoly of the legitimate use of violence within a given territory. International organizations lack this capacity (although the UN, in exceptional circumstances, may be empowered to intervene forcefully if one state threatens the security of another, or collapses into civil war). The international institutional order, as expressed in the title of the study by Rosenau and Czempiel (1992), is a matter of 'governance without government'; while Bulmer (1998: 366) has argued, in the context of the EU, that the latter 'does not resemble, or have, a government, so governance offers some descriptive purchase on the character of the polity'.

The elusive concept of *governance* – 'an archaic term become newly fashionable' (Leisink and Hyman, 2005: 277) – is also commonly used with reference to

decision-making by companies – ‘corporate governance’ – and other bodies. Its practical meaning is often unclear, since the concept leaves open questions of power relations, means of enforcement and implementation. There is also a tension between the descriptive or analytical use of the term ‘global governance’, and the normative or programmatic usage which calls for a regulatory order to compensate for a presumed loss of national capacity (Dingwerth and Pattberg, 2006).

Precisely because international organizations rarely possess the ultimate sanction of force to implement their decisions, the distinction between government and governance links to that between ‘hard’ and ‘soft’ law (Abbott and Snidal, 2000). ‘Soft’ law indicates decisions which those to whom they are addressed are expected to observe but which cannot be juridically enforced; their efficacy depends on peer pressure and the possibility of less formalized means of retaliation, and on the extent to which the underlying norms of conduct are ‘internalized’ by decision-makers at national level (Koh, 1999). Much international regulation in the field of industrial relations is precisely of this nature. There is considerable disagreement as to whether non-binding norms can exert hard effects; those who assert the value of such approaches insist that ‘soft’ law may help ‘frame’ the political debate at national as well as international level, providing an important resource for those actors pressing for stronger national regulation (Zeitlin and Pochet, 2005).

### **THE INTERNATIONAL SYSTEM: THE MAJOR ACTORS AND INSTITUTIONS**

This section gives a ‘snapshot’ of the international industrial relations system. I identify the key characteristics of the international level of industrial relations; its actors and the relations between them; its structure and its regulatory setting and its evolution over time. I focus on the three actors comprising Dunlop’s model but also refer more briefly to a putative fourth actor, non-governmental organizations (NGOs) or

‘civil society actors’. Of key significance are the institutions that have been established to regulate the international economy and polity. These include the ILO, the Bretton Woods institutions and the rest of the UN system, the Organization for Economic Cooperation and Development (OECD) and the WTO, which are both actors *and* major components of the regulatory framework or structure of the international system. I conclude this section by considering the regional dimension of international industrial relations, with particular attention to the EU.

### ***States and intergovernmental organizations***

There has been much recent debate on the supposedly declining powers of nation-states in the era of globalization (Berger, 2000; Strange, 1996; Weiss, 1998). My focus here, however, is not on the autonomy of states to regulate their own internal affairs, but rather on their role at the international level.

International organizations of states and governments were formed after the first and then after the second world wars. The oldest major organization still in existence is the ILO, founded in 1919 as part of the League of Nations and incorporated in the UN system in 1946 (Alcock, 1971; Hughes, 2005; ILO, 1931; Shotwell, 1934). Most international organizations discussed here are formally intergovernmental, that is, they represent the governments of national states directly, although the forms of representation and selection may vary. The ILO is distinctive, representing workers and employers as well as states in a tripartite system.

Intergovernmental organizations, while acting on behalf of nation-states, do not enjoy analogous powers or legitimacy. The UN system is recognized by and represents the largest number of nation-states on a permanent basis and is granted the legitimate right to use force under very limited conditions. No other intergovernmental body — at least at the world level — enjoys such powers, and

nation-states are rarely willing in practice to grant the UN the freedom in theory to act in the way that is allowed in emergency situations. The UN system has been rife with inter-state and interregional rivalries and has been subject to the veto power of individual states, in particular the US.

The ILO has a direct influence on national industrial relations practices, but possesses fewer powers than the UN system as a whole. Much of the literature focuses on its effects rather than its structure, functions and governance, with debate polarized between those who emphasize its positive achievements (Kylloh, 1998; Langille, 2005; Sengenberger, 2002) and those who stress its limitations (Elliott and Freeman, 2003; Standing, 2004). I explore the efficacy of the ILO regulatory instruments in a later section.

Many would argue that an even greater impact on industrial relations is exerted by the international financial institutions (IFIs) which define the rules of the global economic game. The Bretton Woods agreements of 1944 resulted in the creation of the International Monetary Fund (IMF) and what was to become the World Bank (WB). Their original mission, as integral parts of the new UN system, was the reduction of poverty and inequality between nations; but from the 1950s, financial support to developing countries was made conditional on 'structural adjustment programmes'. With the advance of the neo-liberal 'Washington consensus', these involved radical measures of privatization, reduction in public expenditure, removal of barriers to external trade and investment and flexible labor market policies. Such policies have been widely blamed for causing unemployment, insecurity, reduced living standards and increased poverty (Cammack, 2005; Chorev, 2005; Germain, 2002); critics have included the former WB chief economist, Joseph Stiglitz (2002). However both institutions, especially the WB, may now be moving towards closer co-ordination within the UN system (with the ILO) and the pursuit of their original goals (Panić, 2003; Toye, 2003).

The Bretton Woods conference also led to the General Agreement on Tariffs and Trade

(GATT), which promoted trade liberalization and was transformed into the WTO in 1995. The latter is not part of the UN system but functions in some respects in parallel with the WB and IMF. With some 150 members, it has a cumbersome governance structure and positions are often polarized, as is evident from the deadlock in a number of recent attempts to achieve further trade liberalization. Also separate from the UN system is the OECD, the predecessor of which was established in 1948. Today it includes some 30 of the world's richest countries, and while it possesses fewer formal powers than the UN institutions, it is often seen as a vehicle of 'soft' law;<sup>1</sup> by its own description it 'produces internationally agreed instruments, decisions and recommendations to promote rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalized economy'. It is notable for possessing an element of tripartism in its governance, with Advisory Committees representing both employers and trade unions. The Trade Union Advisory Committee (TUAC) is independent of the ITUC but works closely with it.

The international economy is, inevitably, strongly influenced by the policies of its most powerful actors; and since the collapse of the Soviet empire, this has given the US a hegemonic role in the functioning of the IFIs, accelerating the liberalization of trade in both goods and services and of cross-national flows of finance and investment. In other words, those dynamics characterized as globalization, and their impact on employment conditions at national level, are to an important extent the outcome of the policies of the IFIs and those nation-states which dominate their governance.

### ***Employers' associations and multinational corporations***

The International Organization of Employers (IOE), formed in 1920 after the ILO was established (Rojot, 2006), represents employers' interests within the ILO and the UN system as a whole. It comprises

national associations in some 140 countries and cooperates with a variety of regional employers' organizations, and also with the Business and Industry Advisory Committee to the OECD (BIAC). Another influential body is the International Chamber of Commerce (ICC), established in 1919. It is a strong advocate of neo-liberalism. While it lacks the legitimacy as a 'social partner' enjoyed by the IOE, it has nevertheless been allowed a significant role within the UN system (Kelly, 2005). Numerous organizations also represent employer interests in individual industries and sectors.

One reason for the low profile of international employers' organizations is that individual employers are important international actors in their own right, especially (but not exclusively) if they are large MNCs. They are often seen as acting with more power and autonomy at the international level than many national governments, and as exerting a significant influence on the actions of such governments. As an example, Balanyá et al. (2003: 3) report that over 200 corporations have European government affairs offices in Brussels, alongside some 500 corporate lobby groups. There is a much-quoted statistic that just over half of the 100 largest economic entities in the world are MNCs, not nation-states (Hertz, 2001). The growth in mergers and acquisitions (facilitated by the liberalization of takeover rules) has accelerated the trend.

MNCs are not 'embedded' in the norms and institutions of most of the countries in which they operate, they often ensure frequent mobility of key managers across countries to prevent them 'going native', and they have the capacity to pursue international strategies while most trade unions and other employee representative institutions are nationally bounded. Many writers see their dominance in the global economy, not only in manufacturing but increasingly in service industries, as undermining both the practical and theoretical coherence of national industrial relations systems (Katz and Darbishire, 2000). Leading international trade unionists – for example, Fimmen (1924)

and Levinson (1971, 1972) – have long regarded MNCs as a serious threat. For some contemporary writers, they impose irresistible downwards pressure on national employment regulation through their ability to shift production to low-cost and weakly regulated locations (Gray, 1998). Others argue that there is little evidence that MNCs give priority in their investment decisions to low labor costs: they want a productive and efficient labor force, and also need infrastructure, possibly access to local markets, as well as political stability and secure property rights – all of which are typically associated with countries with advanced labor standards. However, there is compelling evidence that MNCs shift labor-intensive, low valued-added activities to low-wage countries; and though there is little evidence that they frequently close down existing operations to move to low-wage locations (which in some fields of economic activity is difficult), they may well successfully threaten to do so in order to force workers and their unions to make concessions on pay and working practices.

### ***Workers and trade unions***

National unions are sometimes important actors at the international level, generally those based in the wealthiest countries or those with the highest union density, but it is dedicated international trade union bodies that carry out most union action and policy-making at the international level. These organizations can be classified by structure, geographical coverage and ideology. Structurally, we can distinguish between organizations based on industrial sectors and those based on national centers. The earliest trade union internationals, founded at the end of the nineteenth century, were industry-based, becoming known as International Trade Secretariats (ITSs), and recently renamed Global Union Federations (GUFs). The first cross-sectoral body was founded in 1901 and reconstituted as the International Federation of Trade Unions (IFTU) in 1913. There developed a division of labor, with the ITSs concentrating on practical organizing and

solidarity work within their sectors, and the confederations of national centers addressing broader political issues (Reinalda, 1997; Van Goethem, 2000).

Geographically, we can distinguish between regional and global bodies. The first international organizations were almost exclusively European in coverage, and the weight of membership and financial resources has always ensured strong European influence in global unionism. After the Second World War, decolonization gave a spur to the creation of regional union organizations in the rest of the world. The split in international trade unionism in 1949 reinforced this trend as three confederations competed for membership across the globe. From the 1950s, the process of European integration led to the establishment of formal regional trade union structures in Europe.

Ideological divisions have received the most attention in studies of international trade unionism. The IFTU mainly encompassed unions with a social-democratic orientation, together with more 'business unionist' affiliates in Britain and the US. After 1920 it faced two smaller rivals, the mainly catholic International Federation of Christian Trade Unions (IFCTU) and the communist Red International of Labour Unions. A new global organization, the World Federation of Trade Unions (WFTU), was founded as a unitary confederation in 1945, but never included the Christian unions. In 1949, most non-communist affiliates broke away to form the International Confederation of Free Trade Unions (ICFTU). In 1968 the IFCTU 'deconfessionalized' and became the World Confederation of Labour (WCL) (Pasture, 1994). Meanwhile WFTU, consisting mainly of national centers from communist and/or developing countries, lost membership rapidly with the rise of 'Eurocommunism' followed by the fall of the Berlin Wall in 1989.

Ideological differences remain important despite the foundation at the end of 2006 of a new unitary organization, the International Trade Union Confederation (ITUC), bringing together the ICFTU and WCL along with a number of independent centers, some of

which had formerly belonged to WFTU. It is worth noting that the split in WFTU in 1949 reflected *both* a political confrontation between communists and anti-communists, *and* a conflict over plans to subordinate the ITSs to the control of the Confederation (MacShane, 1992). Within the new ITUC, ideological frictions overlap with regionalism, most notably whether Latin American unions should enjoy regional autonomy (as in the WCL) or be part of a broader pan-American structure in which the US unions exert major influence (as in the ICFTU).

### ***Non-governmental organizations***

There is a growing literature on the role of 'civil society', 'social movements' or 'non-governmental organizations' (NGOs) as a fourth category of industrial relations actor (Heery and Frege, 2006; Chapter 19 in this book). Such bodies are particularly important at the international level of industrial relations, where arguably some NGOs have acquired a greater impact than trade unions or employers' organizations (Elliott and Freeman, 2003). We are concerned here with NGOs working in industrial relations areas, such as the relatively worker-oriented War on Want, Amnesty and Oxfam, faith-based charities and development bodies. Certain NGOs can be considered more employer-oriented, devoted to corporate social responsibility and related themes. Others, not specifically oriented to employment issues, also have an impact in this area, for example feminist or environmental NGOs (Cockburn, 1997; Waterman, 1998).

Much recent literature suggests that NGOs are able to campaign more forcefully and effectively than trade unions against the adverse impact of neo-liberal globalization on work and employment. It is widely argued that individuals are increasingly likely to define themselves in a number of ways – as consumers, citizens, women or members of other particular groups – rather than in terms of their role in the production process (Munck, 2002). Most of the older democracies have seen to a decline in membership and activism

within trade unions and political parties, and an increased role of 'single-issue' or 'pressure' groups (Koenig-Archibugi, 2003). Many of these have a direct or indirect concern with industrial relations issues.

Waterman (1998) argues that trade union internationals have become 'institutionalized' and have been captured by the official institutions whose policies they seek to influence. Organizational demarcations and administrative procedures have to be transcended in order to create a 'new' labor internationalism within which social movements play an equal role. However, official union representatives typically respond that NGOs and social movements, whether operating nationally or internationally, are often small and unrepresentative, and lack the stability, accountability and transparency of trade unions or political parties. Yet many NGOs do possess clearer representative structures and greater accountability. A good example is Amnesty, which has played a significant role in highlighting abuses of human and social rights, both within nations and at the international level. It has often cooperated with UN bodies and with the ICFTU and other trade union bodies (Gumbrell-McCormick, 2000: 454–8). More generally, it is clear that 'social-movement'-oriented campaigns have been important in shifting the international trade union agenda towards more serious attention to issues such as gender equality, home-working and the 'informal sector' more generally. Significantly, the Self Employed Women's Association, an Indian organization with a bridging role as trade union and campaigning NGO, was given a platform slot at the ITUC founding congress.

Thus we can see a growing rapprochement between international trade unionism and international NGOs as actors in a 'global civil society' (Waterman and Timms, 2005). This can be seen, for example, in the experience of the annual World Social Forum, first convened, mainly by Third World NGOs, in Porto Alegre, Brazil in 2001 as a movement for 'globalization from below' (Sen et al., 2004). Initially the official trade union organizations largely held aloof, but have become

increasingly active participants; the same is true of the European Social Forum, first held in Florence in 2002.

### ***The regional dimension***

Some critics of the globalization thesis insist that the most notable feature of international economic restructuring has been the intensification of trade relations and corporate activity within regional blocs. Few of these have an explicit industrial relations competence, though their role in trade liberalization has obvious industrial relations consequences. The North American Free Trade Area (NAFTA), as its name indicates, is essentially a free trade zone: its main function is to eliminate cross-national obstacles to trade and investment. It has a minimal 'social dimension' (the 'side agreements' on labor and environmental standards) and establishes no significant supranational institutions with the important exception of the dispute adjudication machinery. The Asia-Pacific Economic Cooperation (APEC), which groups 21 countries in or bordering on the Pacific, is a purely intergovernmental organization with no independent powers. Its membership partly overlaps with that of the Association of Southeast Asian Nations (ASEAN), comprising 10 South-East Asian countries, which is designed to encourage trade but also the coordination of social (including labor) policies. It has few effective supranational powers. There is also a variety of regional trading blocs in Latin America (Mercosur), Africa and the Middle East.

The one regional entity with a substantial industrial relations role is in Europe. The European Economic Community (EEC), created with six member states in 1957, has developed into the contemporary European Union (EU) with 27 members. From one perspective it constitutes a free trade area, underpinned by the principle of the free movement of goods and services, capital and labor. Yet unlike NAFTA it is more than a 'common market': it has an elaborate politico-institutional framework, even if it lacks many of the key attributes of national states, with governing

powers divided between the Commission, appointed for a five-year term, and the Council, comprising ministers from each of the member states. There is a parliament, though with weaker powers than national legislatures, a supreme court (the European Court of Justice, ECJ) and a European Central Bank which largely controls monetary policy. Economic integration is accompanied by a 'social dimension', and the legal competence of the EU to regulate employment issues has increased considerably over time. This has had a notable impact on industrial relations in the UK, for example triggering legislation on such issues as equal opportunities, working time and information and consultation. I discuss EU employment regulation in more detail below.

Two employers' organizations have an important formal role in EU policy-making and legislation. UNICE (Union of Industrial and Employers' Confederations of Europe) was founded 1958; since renamed BusinessEurope, it comprises national business and employer confederations, and is as much (or more) concerned with issues of trade and business as with employment. It is resistant to social regulation, and its national affiliates are often reluctant to give it a mandate to negotiate. CEEP (*Centre européen des entreprises à participation publique*) covers public enterprises and has shown more support than UNICE for the 'social dimension' of European integration. There are also representative bodies for commercial undertakings and the small-firm sector.

On the trade union side there is just one major player, the ETUC (European Trade Union Confederation). Founded in 1973 by ICFTU affiliates, it soon admitted the main European members of the WCL, and subsequently all main (ex-)communist confederations were allowed in. It has a dual structure, including national confederations and European Industry Federations (EIFs); hence national trade unions have a dual channel of representation. It covers the large majority of unionized workers in EU countries, and in the 1990s it admitted members and associates from Eastern Europe. It is strongly in favor of enhanced social

regulation at EU level; but arguably there is a lack of internal consensus on what, and how, to regulate. It is interesting to note that the ETUC superseded the former European structures of the ICFTU and hence escaped the authority of the global organization; it retains its autonomy despite the creation of the new ITUC.

The notion that trade unions and employers' organizations are 'social partners' is familiar in most European countries. This does not necessarily mean that unions and employers cooperate in a spirit of mutual friendship; rather, that the organizations of capital and labor are 'partners' of the state in formulating and administering social policy. This conception was reflected at EU level in the creation of what is now the European Economic and Social Committee (EESC), representing a wide variety of economic interest groups but with no real power and little influence.

The concept of 'social dialogue' was invented, and strongly promoted, by the Commission in the run-up to the Single Market of 1992 and Economic and Monetary Union which was launched by the 1991 Maastricht Treaty. The 'constitution' of the EU states that 'the Commission shall endeavour to develop the dialogue between management and labour at European level which could, if the two sides consider it desirable, lead to relations based on agreement'. Maastricht boosted the role of the social partners: as well as being guaranteed consultative input during the framing of Commission legislative proposals, they acquired a new right to opt to deal with an issue by means of European-level agreements. Some EU legislation has indeed been adopted through this route.

### **INTERNATIONAL ORGANIZATION: MOTIVES AND CONSTRAINTS**

There is an influential argument in industrial relations (first expounded by Commons in 1909) that the expansion of product markets results in a parallel extension of employment regulation. Yet this never occurs automatically: the actors concerned must regard higher-level (in our case, international)

regulation as in their mutual interest, or those who favor such an extension must have the power to impose their will. Hence it is necessary to examine the purpose or motivation for the actions of the key international actors. Much of the literature which addresses this question adopts a rational-choice approach, though this has serious limitations. We may also distinguish 'bottom-up' and 'top-down' perspectives. The former asks why national actors agree to transfer some of their sovereignty to supranational bodies; the latter, starting from the fact that such bodies *do* exist, explores how institutional self-interest can encourage those who manage these to expand their own authority and competence. This has been an important theme in the literature on EU governance. I should also note that much of the writing on the international level of industrial relations concentrates on trade unionism. The discussion below reflects this, but first I consider the other parties.

Governments may participate in intergovernmental bodies for negative and defensive or positive and constructive reasons (as will be seen, a similar distinction applies to the other actors). Many international agencies or treaties are designed to prevent the destructive consequences of the unregulated pursuit of national interests: from war to global warming to retaliatory tariff barriers. Others may be intended to facilitate commonly desired objectives which single states lack the capacity to achieve, or even to establish a 'new world order' – a goal proclaimed at the end of both world wars (and reiterated after the collapse of communism). The ILO, and the whole UN system, were explicitly assigned such idealistic aims.

One common view is that the bias of international economic regulation is negative (reducing or removing barriers to cross-national trade and financial movements) whereas the thrust of employment regulation is positive (enhancing the conditions of working life). Scharpf (1999) refers to a tension between these two aspects of European integration; in his view the negative dynamic of market liberalization has overridden the positive goal of upward harmonization of

employment conditions. Many critics of globalization argue similarly: a neo-liberal project of eliminating inhibitions to international trade and investment is antagonistic to the creation of new international labor standards and indeed implies the weakening of those which currently exist at national level. A rather different distinction is proposed by Langille (2005), who contrasts a negative view of international labor standards as a defense against a 'race to the bottom' with a positive conception of high standards as economically productive. The conflict between these two perspectives is central to much academic, and public policy, debate.

Given the very limited academic attention to international employers' organizations (partly because of the limited transparency of their operations), it is impossible to analyze their motivations in detail. One should also note that many of these bodies are primarily representatives of companies' commercial interests with only a subsidiary concern for industrial relations issues. Often their function seems negative in the strong sense of resisting projects of transnational regulation, or at least those seen as threats to employers' interests. Yet we should note that those who represent employers at international level may be inspired by the more positive visions indicated above, and may also absorb the progressive culture of bodies such as the ILO. In addition, sectoral employers' organizations – in the maritime industry, for example – may be powerfully motivated by the need to establish rules of the game essential for international industries to thrive.

Trade unions are most likely to articulate positive, idealistic reasons for internationalism. Skeptics argue that more mundane interests have typically inhibited purely idealistic projects of international solidarity, and that the real foundations of international trade unionism are more pragmatic. What divides most analysts, however, is whether these interests are primarily economic or political.

The economic self-interest approach has taken many forms. Fimmen (1924), writing in an early era of 'globalization', believed that trade unions would organize

internationally because the development of capitalism obliged them to do so. Logue (1980), in an essay highly influential among students of the international labor movement, saw trade unions as organizations representing the short-term economic interests of their members. More subtly, Ramsay and Haworth looked in detail at the changing patterns of ownership and control of individual companies and industrial sectors, exploring the varying interests of workers in different sectors at different times (Haworth and Ramsay, 1986, 1988; Ramsay, 1997, 1999). Anner et al. (2006) argue that contrasts in the form and extent of cross-national union solidarity in shipping, textiles and car manufacturing can be explained by differences in production organization and product and labor market competition. Yet this does not explain why workers such as typographers, who were scarcely exposed to international competition, were among the pioneers of international trade unionism (van der Linden, 2000: 526–7).

Political self-interest has been seen by many students of the labor movement as the primary motivation for international trade union action. Studies of the international labor movement in the post-war period have either concentrated on the motivations of labor leaders themselves, growing out of their ideological convictions or war-time experience (Carew, 1987; MacShane, 1992), or on the motivations of governments, in explaining their support to international trade union activities (Logue, 1980; Thompson and Larson, 1978). Most of the debate on this issue has been between those who see labor as an unwitting tool of the great powers and those who see it as a willing participant, even an initiator of the Cold War. Wedin's study of the ICFTU in the early 1960s stands out in its portrayal of the complex interdependence between political and trade union leaders and interests (Wedin, 1974). While the nature of this debate is ideological, empirical research, such as Carew's study of labor under the Marshall Plan (1987), has shown the subtle interpenetration of political and trade union elites in the post-war world, and the degree to which the values and

hence the perception of self-interest of leaders have been intermingled. Here we may note Hyman's argument (2005a) that political logic seems best to explain the development of international trade unionism at cross-sectoral level, while a more economic logic is reflected in the history of industrial organizations.

A third consideration is institutional self-interest, whereby trade unions (or their leaders) seek to defend their own interests as institutions. It is understandable that leaders of the international union organizations should seek to protect their own institutional self-interest, but why do national centers feel the need to defend them? The answer to this question is usually linked to the protection of political self-interest, by which small elites in control of national centers seek to maintain their control over the international sphere. We may also note Visser's discussion (1998) of 'push' and 'pull' factors in transnational union organization: national unions may be 'pushed' towards supranational activity by the factors mentioned previously, but they may also be 'pulled' by the opportunities and resources (material assistance or status and legitimacy) available though a role on the international stage. For example, it is widely remarked that the European Commission is anxious to cultivate interlocutors at EU level and thus provides significant resources to the ETUC (Gobin, 1997; Hyman, 2005b). More recently, it may be added, parallel assistance has been given to a range of European NGOs.

While economic, political and institutional self-interest all have some explanatory value in the study of the *purpose* of action and organization at the international level, all three confront the problem of how interests are to be identified, and hence run the risk of circularity (Devin, 1990: 72–3). Lorwin, who wrote one of the first studies of international trade unionism (1929), took a different approach by concentrating on the efforts of the international labor movement to regulate labor at the international level, through its role as a major component in an international industrial relations system. Reinalda (1997: 18–23) makes a similar point when he identifies participation in an

international industrial relations system as a dimension beyond the simple accumulation of different individual and national interests.

The capacity to act and the means of action available to trade unions provide the most striking contrast between the national and international levels. Commonly it is assumed that a union exerts leverage through the threat to withdraw its members' labor; its goal is to reach a satisfactory deal for its members through collective bargaining. This model does not apply in many national situations; often, action such as lobbying of public opinion and government is more important. This observation applies *a fortiori* to action at the international level. While there have been a few cases of international strike action and, more rarely, of international collective bargaining, these are exceedingly rare and limited in scope (Ettly and Tudyka, 1974; Northrup and Rowan, 1979). Even the possibilities that have been created for international collective bargaining at EU level have been limited (Dølvik, 1997; Martin and Ross, 1999; Visser, 1996). The GUFs have a stronger collective bargaining orientation, but despite their focus on industrial issues they also are obliged to act politically within a largely international and intergovernmental system.

Neither Fimmen nor Lorwin regarded international collective bargaining as imminent, but Levinson (1971, 1972), head of the chemical workers' ITS, made this the focus of his influential writings; and such authors as Northrup and Rowan evaluated international trade unionism negatively against this yardstick. However, even without collective bargaining there is considerable potential for international solidarity action, such as assistance in industrial disputes, and for greater coordination of action, for example of national collective bargaining demands. Lorwin (1929: 468) made an interesting comparison of these instruments of action, referring to early successes in preventing workers from one country being brought in as strike-breakers in a dispute in another country as the 'international equivalent of picketing'. Fimmen promoted the organization of

international boycotts, but Lorwin and others have since pointed out limitations to this form of action. International strikes have been even rarer, a leading example being European-wide solidarity with striking workers at Ford in Belgium and the UK in the early 1970s (Piehl, 1974b) although the provision of assistance to workers on strike in other countries has been fairly widespread, alongside attempts to put pressure on the head offices of the companies involved. Regarding collective bargaining as a key function of international trade unionism demonstrates the danger of false analogies with national trade unionism.

The function and means of action of international organizations are closely related to their purpose. One of the main functions is to represent the interests of the national constituency at world level, to provide a *voice*, whether for workers or employers or citizens, within intergovernmental bodies, and to organize or coordinate any other actions that may be taken in pursuit of their interests (Devin, 1990). This latter point is rather different for trade unions and for employers' organizations. While employers often do act together, whether through trade or employers' associations or informal groupings, they have many means of action at their disposal within their own corporations and in political connections at the national or international level. Trade unions tend to have fewer opportunities.

Trade unions (like employers' organizations) face particular difficulties at the international level. At national level, capacity is ultimately determined by members' willingness to act, the internal cohesion of the organization and its responsiveness to members' concerns. This cannot apply in the same way to the international level, which is composed of organizations of organizations. While national action must depend ultimately on individual members, in practice for the international organization the main question is the willingness to act of the national affiliates, based on their view of the legitimacy and representativity of the international body and their estimate of the advisability of the action proposed. National rivalries proved a major

obstacle to international action in the Cold War period, particularly for the trade unions, but also for employers and intergovernmental organizations (Ett, 1978a; Piehl, 1974a). Differences between national organizations in the industrialized and developing countries have also created many problems for internal cohesion (Haworth and Ramsay, 1988: 311–21; Olle and Schöller, 1987: 37–9). International organization is clearly necessary for representation within intergovernmental institutions, but only international workers' or employers' organizations that are seen as truly representative have the legitimacy required and the capacity to develop common strategies out of disparate interests.

Another key function for any international organization is information and representation to members or constituent groups. Again, the means available to employers and trade unions are very different, but the function itself is the same. As with the external function discussed above – voice and representation to outside bodies, this internal function – servicing and informing members – is particularly difficult at international level, because of the greater difficulties in communicating, achieving cohesion and representing a larger variety of interests when covering a greater area of the globe. Observers of the international labor movement claim that its capacity has expanded radically with the advent of modern communications technology (Lee, 1997); it has been used to great effect in the coordination of international disputes, such as those at the international mining concern Rio Tinto, but it is often used more effectively by small, single-issue NGOs than by large, heterogeneous international organizations. The open access and essentially non-governable nature of the internet creates new possibilities for international action, but challenges existing chains of communication and authority within international bodies.

The main factors in the effectiveness of the international labor movement were well summarized by Windmuller (1967): the importance of internal cohesion, on the basis of shared ideology and goals; recognition and legitimacy, from the movement itself

and from other actors in the international system; and access to appropriate instruments of action. These factors apply equally to employers' and some other types of international organizations.

## INSTRUMENTS AND OUTCOMES

The major international actors form a network of relationships, norms, rules and regulations that provide the basis for the international industrial relations system. But as I have shown, the international actors are not endowed with the same powers or sense of legitimacy as national actors; international law is not enforceable in the same way as national law; and the main instruments of action are not always directly comparable. However, an international industrial relations system with at least some instruments of action and some rules does exist. Below, I consider three types of international regulation: international law, including conventions of the major intergovernmental institutions; voluntary forms of regulation, such as codes of conduct; and international framework agreements based on collective bargaining. Together these three mechanisms shape, or at least influence, the operations of the international economy in all areas related to industrial relations.

### ***International law and international labor standards***

Prior to the creation of the ILO in 1919, a small number of international legal instruments adopted by the major European nations regulated certain health and safety issues (Shotwell, 1934: 492–6). These set the precedent for international standards in industrial relations matters alongside those governing the actions of states in wartime and other international issues, and marked an important step in the development of the intergovernmental system as a whole. From the beginning, government ministers and other industrial relations actors were conscious of the difficulties of assuring the

implementation of international law by nation states without infringing their sovereignty; for this reason, international law generally requires transposition into national law and enforcement by national governmental agencies. The nature, purpose and means of enforcement of international legal instruments have been much debated by legal and industrial relations scholars (Langille, 2005; Valticos, 1998; Wedderburn, 2002).

Not all international legal instruments need concern us here: some ILO conventions are purely technical in nature or narrow in scope, and many other international instruments have no direct link to industrial relations issues. The most important for this discussion are the group of conventions adopted by the ILO that have won international recognition as essential for the protection of the legal and social rights of workers and their representatives. These 'core' conventions were first identified at the World Social Summit in Copenhagen in 1995 and were formally adopted in the ILO's Declaration on Fundamental Principles and Rights at Work (1998).

These conventions are significant, not only because they have been recognized as 'core' by the ILO itself, but because of the legitimacy they have acquired within world public opinion. They form the basis of most of the voluntary codes of conduct adopted by individual companies or industries and are accepted by governments in north and south alike. Further, the implementation of these conventions is not considered to affect the comparative advantage of countries with low labour costs (Elliott and Freeman, 2003: 11–13; Sengenberger, 2002), as could other

social regulations, for example concerning health and safety standards or a living wage.

Like all ILO conventions, these have the force of international law, and must be adopted through legislation by all member states that have ratified them; they are given added weight by the 1998 Declaration, which requires states to observe them irrespective of formal ratification. As with other ILO conventions, the means of ensuring implementation are limited, and rely mostly on the carrot of technical assistance and the stick of 'naming and shaming'. However, the ILO considers one core convention, that on Freedom of Association (no. 87), so important that it created a Committee on Freedom of Association in 1951 to monitor its implementation, whether or not member states had ratified it, on the basis of complaints raised by recognized representatives of workers or employers as well as by other states. Cases have been taken against governments in every region of the world and have often led to substantial improvements in such areas as union organizing rights (as with Japan in 1973: see Gumbrell-McCormick, 2000: 434). Other governments have been ostracized as a result of condemnation by the Committee, including that of Chile under Pinochet, sometimes contributing to change towards democracy.

Some other international legal instruments outside the ILO conventions are relevant to our purposes. The most influential are probably the guidelines on the conduct of MNCs included in the 1976 OECD Declaration on International Investment and Multinational Enterprises (Gumbrell-McCormick, 2000: 392–3; Murray, 2001). These guidelines, updated in 2000, allow OECD member states, recognized trade unions and employers' representatives to ask for 'clarification' of their implementation by individual MNCs. A number of high-profile cases were brought in the first years after their adoption, such as the successful complaint brought by the government of Belgium against the Badger company, a subsidiary of a US multinational (Blanpain, 1977). Here, too, the main form of implementation has been 'naming and

**Box 17.1 Core ILO Conventions**

No Forced Labour (No. 29, 1930; No. 95, 1957)

Freedom of Association (No. 87, 1948)

Free Collective Bargaining (No. 98, 1949)

Equal Pay and Equal Treatment (No. 100, 1951; No. 111, 1958)

No Child Labour (No. 138, 1973; No. 182, 1999)

shaming', and the guidelines have been hampered by applying to OECD member states only. The influence of TUAC has no doubt played a role in the successful use of these guidelines. The ITUC has also long pressed for a more general application of codes of conduct (Keohane and Ooms, 1975: 200).

The inclusion of 'social clauses' in international trade agreements is not strictly speaking a legal instrument, but is closely related in that such clauses require implementation by intergovernmental organizations such as the WTO, or through international or regional agreements, such as NAFTA or ASEAN. As with most international instruments, social clauses are based on ILO core conventions, but the mode of implementation and enforcement is different. The threat of exclusion from an international trade agreement is potentially more persuasive than any of the sanctions available to the ILO or OECD, but it is also more controversial and difficult to adopt. Originally an initiative by the International Metalworkers' Federation and the ICFTU during the negotiations for trade liberalization in 1973 (Gumbrell-McCormick, 2000: 508–11), the concept was soon taken up by leading NGOs, trade unions in many industrial countries and some social-democratic governments.

The 'social clause' was not welcomed, however, by most developing country governments or by unions in those countries. The main bone of contention has been the argument that the quest for international labor standards is 'protectionist' (Gumbrell-McCormick, 2004: 44–6; Tsogas, 2001). The ITUC, ILO and many academics have challenged this argument, and Elliott and Freeman (2003: 17–22, 80–3) have provided convincing evidence that protectionism has not been a motive for most actors, yet this contention has been a powerful obstacle to the adoption of social clauses. As a result, a shifting coalition of developing country governments and conservative western governments has always managed to block the inclusion of a social clause in GATT and subsequently in WTO agreements

(Tsogas, 2001). Some clauses have been inserted in regional agreements, such as those of NAFTA (Elliott and Freeman, 2003: 84–9; Stanford, 2003) and in EU external trade agreements.

As indicated earlier, the EU has a major role in adopting supranational labor standards. One of the key instruments is the directive, which as its name implies has stronger regulatory force than ILO conventions: directives are instructions to member states, which retain discretion in how they transpose them into national law. The EU explicitly lacks competence to adopt directives on general levels of pay or on trade union rights (though the ill-fated Constitutional Treaty did include references to both issues). Regulation on other employment issues (except those relating to health and safety) formerly required unanimous support in Council, but Treaty changes in the 1990s increasingly enabled legislation by qualified majority. Before then, most directives reflected a 'lowest common denominator' of existing law in continental Europe – though the UK, with its 'voluntarist' traditions, was more often obliged to make legislative changes. From the 1990s there have been more substantial developments in EU law, covering in particular equal employment opportunities (covering issues of gender, race, disability, age and sexual orientation); the treatment of 'non-standard' work situations; working time; and employee information and consultation. The latter has created a new industrial relations institution, the European Works Council, obligatory if employee representatives so demand in all larger European MNCs. There is by now a large literature on the impact of this legislation (Fitzgerald and Stirling, 2004). The obligation to introduce formal mechanisms of employee information and consultation at national level has also required a major change in UK legislation.

Many observers feel that the era of extensive EU employment regulation is now past. For a decade the Commission appears to have adopted a more neo-liberal, de-regulationist stance; while achieving even a qualified majority in the Council for new directives has

become more problematic, particularly after the major enlargement of EU membership in 2004. The emphasis has shifted to the 'open method of coordination' (OMC) and other forms of soft law, exemplified by the European Employment Strategy which sets guidelines for member state policy but has no explicit binding effect.

### ***Voluntary measures – codes of conduct***

Recent years have seen a rapid growth of voluntary forms of regulation, usually by individual companies or groups within an industrial sector. There is now a substantial body of academic and practitioner literature on these measures, which include corporate codes of conduct, corporate social responsibility initiatives and other company-led schemes (Elliott and Freeman, 2003; Tsogas, 2001). This growth has accompanied the rise of neo-liberalism and the focus, by academics as well as employers and governments, on the agenda of 'deregulation' and increased autonomy of the firm. These voluntary codes are usually based on the ILO core conventions (although significantly less often on conventions 87 and 98). They are most common in high-profile industries, especially the garment, textile and food industries, where brand names play a large role in consumer choice.

Some academics and practitioners have stressed the self-interest of the firms involved, seeking to avoid mandatory regulation by international or national legal instruments and often responding to campaigns by trade unions and NGOs that threaten bad publicity for the brand (Elliott and Freeman, 2003; Justice, 2003). Others emphasize altruistic motives in the adoption of a CSR agenda, the leadership of committed individual entrepreneurs, or the firm's own benefits from higher labor standards (Jenkins, 2002; Murray, 2002). Examples can be found to suit both arguments, and indeed motives are often complex and interwoven, and enlightened self-interest often bridges the gap between altruism and selfishness. In any event, corporate social responsibility was an important element

in the 'Global Compact' proclaimed by UN secretary-general Kofi Annan in 1999 (Ruggie, 2003; Thérien and Pouliot, 2006), and has also been strongly supported by the EU (European Commission, 2001).<sup>2</sup>

The effectiveness of codes is another important area of debate. The wording is often vague and the content limited, excluding support for rights to union organization and collective bargaining. They are concentrated in consumer industries, while less high-profile industries are rarely covered. They are uncoordinated, leading to multiple codes in some industries and companies, each with its own detailed, sometimes conflicting, provisions. Monitoring is left to a number of agencies, mainly private accounting and auditing firms, and is therefore inconsistent and often weak, too closely linked to the employer's interest (Justice, 2002; for a detailed study of monitoring and application in Mexico and Guatemala see Rodríguez-Garavito, 2005.) One possible solution has been proposed by Kyloh (1998), that the ILO should become the monitoring body for the implementation of all international labor standards and codes. A centralized inspectorate would have the potential of improving the coordination and implementation of the current plethora of different codes, a problem for employers as well as workers, as Elliott and Freeman also point out (2003: 132–3). This would require a degree of cooperation between individual corporations, the ILO and the IFIs that does not yet exist (Verma, 2003; Vosko, 2002).

### ***International framework agreements and international collective bargaining***

International collective bargaining is the basis for the third form of international regulation we consider here. As noted above, this was strongly advocated in the 1970s by Levinson and other international trade union leaders. Many academic observers indeed insisted that international trade unionism would only be effective in so far as it was able to engage in international collective bargaining

(Ramsay, 1997, 1999). This was largely ineffectual: almost universally, MNCs refused to bargain cross-nationally on core issues such as rates of pay.

However, from the late 1980s a number of international 'framework' agreements have been concluded between the ICFTU and ITSs (or GUFs) and leading MNCs, mainly in the food, hotel, textile and other consumer industries. One of the first was with the French multinational BSN-Danone in 1988 (Justice, 2003: 97–8). Such framework agreements are usually based, like corporate codes, on the ILO core conventions. Unlike corporate codes, they do include references to conventions 87 and 98, on union representation and collective bargaining. They also tend to provide for independent monitoring, by NGOs or by the trade unions themselves. Framework agreements – which have been endorsed by the EU – are a potentially important form of regulation combining the best features of international labor standards and voluntary codes of conduct. There are still too few of them in operation to be able to judge their effectiveness, though numbers are increasing (Miller, 2004; Wills, 2002).

## CONCLUSION AND FUTURE DIRECTIONS

I conclude with brief reflections on both the theory and the practice of international industrial relations, but first return to my opening point, that there is at least the beginning of an international industrial relations system, but it is a mistake to see it as a national system writ large.

The preceding pages have introduced the reader to international industrial relations actors – trade unions, NGOs, employers and their organizations. To be sure, these actors operate primarily at the national level, but they have by now built up a set of institutions at the international level that has remained intact throughout most of the past century. These actors, along with those at the national level, possess a limited common set of norms, on

the basis of the ILO core conventions, and these appear to be shared by wide sectors of public opinion. Further, there are international institutions involved in regulating industrial relations matters: the ILO and the rest of the UN system, the WTO and OECD. These too have proved fairly stable over the past 50 years, and in the case of the ILO, nearly over a century. But these international institutions lack key characteristics of states – democratic accountability (if not legitimacy), the ability to monitor compliance and the power to impose sanctions on those who breach the requirements.

If an international industrial relations system simply means a larger version of national systems, we would have to conclude that it does not (yet) exist. But as I have argued, the two are not analogous. Trade unions at the international level may not carry out collective bargaining or strikes (although they sometimes do), but they pursue much the same ends through other means: international campaigns, coordination of national or sectoral demands, coordinated approaches to corporate head offices. International employers' associations are weak, but individual employers do operate on an international scale, with more flexibility, greater means and a higher degree of coordination than trade unions. The most problematic element here is the state: the ILO cannot simply send in international inspectors any more than the UN can send in peace-keeping forces, without the consent of member states. But, as Langille argues (2005, 20–2), international law does not have to be enforceable in the same way as national law – the implementation of ILO conventions, for example, depends on employers and states understanding that this is in their best interests. This is essentially the European approach of 'soft' law or OMC applied on a world scale.

Until recently at least, academic analysis of the field has been weakened by a triple set of demarcations. In terms of analytical approach, there have been valuable contributions by those working in the disciplines of international relations, constitutional

and labor law, trade union history and labor economics; but their work has rarely interconnected to any substantial degree. The problem of separate worlds applies equally in terms of language: most academics writing in English are unfamiliar with the considerable literature written in other languages; in the reverse direction the problem is less serious but still exists. Ideologically, there has tended to be a polarization between ‘optimists’ and ‘defeatists’ regarding the possibilities of consensual regulation of the global economy and its employment outcomes. Hence the future of the theory of international industrial relations requires further development of cross-disciplinary research and analysis, greater familiarity with the linguistic variety of existing literatures and more sophisticated exploration of ways in which the governance of globalization, though difficult, may yet be possible.

In the world of practice, it is inevitable that regulation at international level remains highly contested. There is some basis for the criticism that the official trade union institutions have been too ready to pursue a ‘composite resolution’ approach (Hyman, 2005b) which locks them into the dominant logic of the IFIs and of neo-liberal governments. Conversely, anti-capitalist social movements have more frontally challenged the main drift of globalization but have offered few persuasive visions of how to shift the outcomes. There are however signs of a new accommodation, in which international trade unionism recognizes the need for a more combative stance, while many international NGOs prepare for the long march through the institutions. If such a synthesis evolves, perhaps a new world – or a new international industrial relations system – is possible?

## NOTES

1 <http://www.oecd.org/dataoecd/15/33/34011915.pdf>

2 Promoting a European framework for corporate social responsibility [http://ec.europa.eu/employment\\_social/soc-dial/csr/greenpaper\\_en.pdf](http://ec.europa.eu/employment_social/soc-dial/csr/greenpaper_en.pdf)

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