

Corporate Responsibility, Multinational Corporations, and Nation States

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Bargaining for corporate responsibility: The global and the local of framework agreements in the USA

Abstract: Global Framework Agreements (GFAs) are still a marginal topic in political and academic discourses over global governance and corporate responsibility. In functional terms, GFAs are a commitment to include global labor standards with respect to human resource management as part of this broader turn to CR. But to what extent are these intentions and goals actually realized? Are corporations able and willing to implement GFAs in a joint effort together with the unions across a vastly diverse range of institutional settings and national arrangements? And do GFAs have an influence on core elements of a company's business policy decisions? Drawing on the insights from an interdisciplinary and multinational project, this paper uses four case studies to explore the conditions and variations in GFA implementation in the USA. Although we observe, as have others before us, that key matters of business strategy such as investments, acquisitions, restructuring, or relocation are more centralized than corporate policies on labor relations, we provide some evidence that the implementation of GFAs can be moved forward by a confluence of external actor involvement and of corporate strategies motivated by a desire to streamline HRM practices (that include the goals covered by GFAs in their core business practices). This finding of the influence of external actor voice in implementation processes may also have broader explanatory power with respect to CR initiatives in general. And in theoretical terms it allows us to explore the interplay between macro structural explanations like the Varieties of Capitalism approach, and the strategic "micro-political" explanations. Our study, in fact, suggests a strong need to combine these in a more systematic fashion.

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1 Introduction

Global Framework Agreements¹ (GFAs) are still a marginal topic in political and academic discourses over global governance and corporate responsibility. But since the 1990s, Global Union Federations (GUFs), the international bodies of national sectoral unions, have negotiated more than 80 such agreements with multinational corporations.² These are mostly companies headquartered in Europe. Among them are such global players as Daimler, Bosch, EDF, GDF Suez, G4S, Securitas, ISS, Carrefour, and Telefonica. All are corporations with high-profile corporate responsibility programs and a pro-active policy of internationalizing their operations. In broad terms, then, GFAs are indicative of corporate leadership's acceptance of *global* labor policy as an element of Corporate Responsibility (CR) and of labor unions as legitimate actors in implementing this policy throughout the corporation and its global production networks.

But to what extent are these intentions and goals actually realized? Are corporations – along with their labor partners – able and willing to implement GFAs across a vastly diverse range of institutional settings and national arrangements? The emerging research literature suggests that there are serious problems of implementation, not only in less industrialized countries such as India³ or Ukraine,⁴ but also in the USA,⁵ as one of the dominant powers in the world political economy. However, taking the USA as an example, we also find exceptions to the prevailing pattern of non-implementation which create an interesting puzzle. To explore this puzzle we use the bargaining model over governance regimes advanced by Levy and Prakash,⁶ which situates multinational

1 Although the term “International Framework Agreements” is still more widely used, we have opted for “Global Framework Agreements” because this term has recently become the most recognized designation among the GUFs.

2 According to the UNI website, the ILO calculates that direct and indirect employment by MNCs is over 90 million people, a relatively small (ca. 5%) but strategically significant portion of the global workforce. http://www.uniglobalunion.org/Apps/portal.nsf/pages/20090226_ml9xEn.

3 Gartenberg and Bandekar 2011.

4 Davies et al. 2011.

5 Fichter and Helfen 2011.

6 Levy and Prakash 2003.

corporations in a web of negotiations with multiple actors and at various levels. By focusing on the role of global and local actors, both internal and external to the MNC, we offer an explanation for the variety of outcomes in furthering new governance arrangements and opening paths of institutional formation and change in labor relations. While we endeavor to recognize the impacts of all the relevant actors involved, the thrust of our argument will be on whether and how transnational union collaboration leverages global management commitment to CR, expressed in the GFA, to promote local GFA implementation. In functional terms, then, this article sheds new light on the labor relations of MNCs, offering a different perspective on the internationalization of human resource management and the transfer of practices from HQs to subsidiaries. In broader terms it explores the role of agency and brings in the local⁷ level in the shaping of global governance.

The paper begins by introducing GFAs. In addition to clarifying their origins we pay close attention to their potential impacts on the organization and policies of MNCs and their global production networks. However, as the emerging empirical literature recognizes there are serious implementation deficits. In the third part we turn to a concise review of the most plausible theoretical explanations rooted in the comparative capitalism literature.⁸ While these macro institutional approaches may help us to understand broad patterns of corporate adaptation to local settings in the USA, they fail to explain variations which more recent empirical studies of GFA implementation in the USA have documented. To understand these deviations from the general or presumed pattern of MNC labor relations we draw on the bargaining model proposed by Levy and Prakash. This model allows us to link the transnational processes and dynamics of GFA negotiations to the practices of implementation at workplaces within particular local labor control regimes (LLCR). Through this linkage we are able to focus attention on the micro-politics of how actors operate within such local institutional settings while being open to understanding the impacts of transnational processes and dynamics. In particular, we explore how demands and strategies from headquarter-level actors, both internal and external to the MNC, shape such regimes to effect the fuller implementation of GFAs.⁹ Part four of our presentation uses the structure

7 One term that may engender some confusion here is “local”. In the literature the term is sometimes used to refer to the national and sometimes to the subnational levels. We use it here to cover both levels and insert national or subnational as necessary to ensure clarity. Such an effort is justified by the fact that national and subnational actors and institutions are often important players in our cases and in the transfer of practices, more generally.

8 Deeg and Jackson 2007.

9 Jonas 1996; see also Brown et al. 2010.

of the theoretical arguments to present our four case studies, revealing both similarities and important variations. In part five we consider the lessons that we derive from these cases and point to the kinds of transnational micro-politics to which our study contributes. In the final section, we draw a number of conclusions related to the themes of this special issue.

2 Overview and significance of GFAs

2.1 What are GFAs?

In formal terms GFAs are agreements between multinationals and Global Union Federations. The first GFA was negotiated in 1988 but it took another decade for the initiative to pick up steam. Starting in 2000 there was an acceleration of agreements. By the end of April 2012, 85 GFAs were operative.¹⁰ Over 90% of them have been signed by one of four GUFs (BWI, ICEM, IMF, UNI).¹¹ As for the signatory corporations, 85% are headquartered in Europe, attesting to a European style of HRM policies and labor relations at the HQ level.¹²

Unlike unilateral Codes of Conduct¹³ or multi-stakeholder arrangements,¹⁴ GFAs are negotiated between corporate headquarters and representatives of organized labor. Although labor may be represented primarily by an internal employee representative body such as a European Works Council, or by a home country labor union at the negotiation table, the mark of a GFA is its signing by a Global Union Federation (GUF). In fact, one major reason why GFAs are practically and theoretically intriguing is that in agreeing to negotiate in good faith, MNCs extend “recognition” to GUFs as the legitimate representative of unions at the transnational level. GFAs are thus a reversal of MNC’s historical refusal to negotiate with labor unions beyond the nation-state.¹⁵ Labor’s willingness, and indeed, its need to negotiate with MNCs at a transnational level is arguably an

¹⁰ For more details, see Papadakis 2011.

¹¹ BWI: Building and Woodworkers’ International; ICEM: International Federation of Chemical, Energy, Mine and General Workers’ Unions; IMF: International Metalworkers’ Federation; UNI: UNI Global Union. In June 2012, ICEM and IMF merged with the textile workers’ union (IGTLWF) to form the new manufacturing GUF under the name of IndustriALL.

¹² Preuss et al. 2009; Stevis 2010.

¹³ Waddock 2008.

¹⁴ Fransen and Kolk 2007.

¹⁵ Stevis and Boswell 2008: pp. 117–124.

important addition to its historically conditioned embeddedness in national (and in the case of the EU, regional) systems of labor relations¹⁶ as well as an option for more collaborative global industrial relations.

As a joint labor – management statement of policy, a GFA is based on minimum labor standards and negotiated procedures. Although several GUFs have published model framework agreements, these have not become a recognized standard for all GFAs. Nevertheless, while each agreement embodies a corporation-specific outcome of negotiations,¹⁷ the core labor standards¹⁸ established by the International Labor Organization's 1998 *Declaration on Fundamental Principles and Rights at Work* are the bottom line of all GFAs. Of the four core labor standards of the ILO, freedom of association and the right to collective bargaining have proven to be the most contentious issues.¹⁹

The broader goal of GFAs is not global collective bargaining but, rather, global social dialogue. However, the intent of this dialogue is to encourage and facilitate unionization and collective bargaining at MNC subsidiaries (and to a limited extent at suppliers). Since collective bargaining outcomes are legally binding, they can create or modify national institutions and practices of labor relations and, by extension, the GFA itself. GFAs thus overcome the rather episodic nature of most consumer campaigns and the arbitrariness of unilateral codes of conduct. In their design they are at the interface of HRM and IR with the potential of modifying the boundaries of both of these concepts and practices and, more broadly, of CR.

While all of the MNC signatories to GFAs have well-designed and published CR programs, this alone does not provide an explanation as to why they have consented to negotiate and sign such an agreement. Far more MNCs have CR programs than have signed a GFA. However, research has pointed to institutional and strategic factors that are the source of wide-ranging differences in actual CR practices.²⁰ And as has been observed in regard to GFA negotiations, the spectrum of CR policies may range from a highly voluntaristic and instrumental approach, “in which commitment to CSR, including labor-related measures, is primarily aimed at risk reduction and issue management,” to more sophisticated approaches in which a commitment to uphold labor standards is seen as being part and parcel

16 Logue 1980; Hyman 2004.

17 Fichter et al. 2011a.

18 The core labor standards refer to the prohibition of child labor (ILO co. 138 and 182) and forced labor (ILO co. 29 and 105), to non-discrimination and equal pay (ILO co. 100 and 111), and to freedom of association and collective bargaining (ILO co. 87 and 98).

19 Fichter et al. 2011b.

20 cf. Campbell 2007; Matten and Moon 2008; Griffin and Prakash 2010.

of the company's business strategy and model.²¹ Further motives may be associated with the institutional and organizational strength of organized labor in the home country,²² with an interest in internationalizing and standardizing HRM practices throughout TNC operations, with public accountability requirements,²³ or even in a few cases, as a result of confrontations, such as global or national campaigns.²⁴

To be sure, any number of prominent MNCs have not signed a GFA although they match these criteria. Whether there is a distinguishable pattern of acceptance or rejection is a research question in need of closer attention. The relevant point for our paper is that the signing of a GFA is not a routine decision by CR minded corporations, despite the fact that some of the signatories see it as part of their CR strategy. It is an important decision that most corporations do not take lightly, and their reasons for negotiating agreements vary a great deal and can also shift over time. It is not surprising, therefore, that a number of business associations, think tanks and law firms have advised against signing GFAs as if they were a typical kind of CR.²⁵

Attitudes towards GFAs also vary among unions. For many local unions and national affiliates of the GUFs, especially outside of Europe, the purpose and usefulness of GFAs is not self-evident.²⁶ A number of national unions are skeptical of the wisdom of pursuing recognition rather than more concrete commitments. On the other hand, home unions and employee representatives see GFAs as an extension of national and European industrial relations and a way to monitor the increasingly internationalizing MNCs.²⁷ But for the GUFs, framework agreements have become a policy tool for agenda setting and carving a niche in global labor governance for themselves above and beyond the priorities of the dominant affiliates. Whereas their earlier attempts during the late 1960s and 1970s, which sought transnational collective bargaining and targeted primarily US companies, failed,²⁸ their new approach around GFAs has sought social dialogue at more amenable European companies. Recognition as a legitimate bargaining representative regarding labor issues has been of prime importance for GUFs, a priority that can be seen as a contributing factor to accepting some agreements with weaker language.

21 Fichter et al. 2011a: p. 612; Stevis 2009: pp. 4–5.

22 Stevis and Boswell 2007, pp. 176–181; Egels-Zandén 2009.

23 Macaire 2001.

24 Hoffman 2008.

25 IOE 2007; ITC-ILO 2010.

26 E.g., Herrnsstadt 2007.

27 Stevis and Boswell 2007: pp. 176–181.

28 Stevis and Boswell 2008: pp. 117–124; Northrup and Rowan 1979.

2.2 Implementation of GFAs

Given the variety of reasons why companies and unions have signed GFAs it is not surprising that they are not all the same. Our analysis of the agreements resulting from the negotiation phase of the GFA process²⁹ suggests three general categories. “Hollow” agreements are superficial in their implementation provisions as they do not set up strong mechanisms and, quite often, are vague about their goals. Moreover, management has done little to fulfill its implementation responsibilities. “Modifying” agreements tack implementation and monitoring tasks onto existing institutionalized labor-management relations at headquarters, extending the scope of activity of such bodies as European Works Councils or national Works Councils beyond their legal mandate. While in practice that may expand their position of influence vis-à-vis management, this concentration of GFA activity at headquarters can be detrimental to building actor capacity at other levels of the MNC and across the global production network. Finally, “creative” GFAs seek to establish new organizational arrangements that reflect the global scale and scope of these agreements.

Beyond the implementation procedures anchored in the GFAs, local institutional settings and local actors are key factors in the implementation process. Recent empirical studies, in fact, have pointed to the difficulties of implementing GFAs at the local level. In addition to local management’s ignorance or opposition and global management’s inactivity, a third key factor has been the paucity of cross-border union initiatives on behalf of activating the implementation and monitoring processes. Generally, local and global unions are challenged to develop their associational power, overcome institutional and legal deficits, and collaborate across borders.³⁰

These insights are very relevant to the implementation of GFAs in the USA. The USA and NAFTA are prime investment targets for companies all over the world, but especially for those headquartered in Europe. Well before GFAs became a realistic prospect, research on European TNC policies in the USA found that these companies were prone to adopt host country practices that were considered to be advantageous³¹ such as “avoiding union representation or circumventing collective bargaining altogether.”³² These findings are borne out by other empirical

29 Helfen, M. and J. Sydow. 2013. “Negotiating as Institutional Work: The Case of Labor Standards and International Framework Agreements.” *Organization Studies* 34 (in print).

30 Descolonges 2009; cf. Davies et al. 2011; Fichter and Helfen 2011; Gartenberg and Bandekar 2011; Gregoratti and Miller 2011; McCallum 2011; Niforou 2011; Riisgaard and Hammer 2011; Robinson 2011.

31 Pudelko and Harzing 2007.

32 Cooke 2003: p. 69; see also Cooke 2001.

studies that include MNCs with GFAs.³³ The common thread here is that European MNCs often depart from their collaborative labor relations policy at home and are willing to actively avoid union recognition and collective bargaining – despite having negotiated and signed global agreements championing such standards.

Yet, despite the generally problematic implementation trend there is also enough evidence of (successful) efforts to render local practices consistent with the GFA. As a result, a number of companies have brought their local labor relations policies into line with corporate policy to be consistent with their GFA. These include ArcelorMittal, Dannon, G4S, H&M, IKEA, Lafarge, Rhodia, SCA and Securitas. The dynamics of such changes are the core puzzle of this article.

3 Actors, bargaining, institution building

How can we account for both the initial pattern and the diversity of outcomes? While we recognize the significance of existing and different institutional ensembles, we emphasize in particular the role of agency in the constitution, use and reconstitution of institutions.³⁴ Evidence that European companies, whether they have signed GFAs or not, adapt their labor policies to the predominantly liberal capitalist approach in the US when investing there seems to be consistent with the comparative analyses of capitalism such as Varieties of Capitalism (VoC) or national business systems. In the VoC approach, for example, labor-management relations and collective bargaining arrangements are basic criteria for judging how firms interact with their institutional and social environment. In our context, we are dealing mostly with MNCs from continental Europe and Scandinavia, i.e., coordinated market economies, that have invested in the US, the hallmark of a liberal market economy.³⁵

However, we would agree that comparative capitalism approaches overlook the institutional variability at the regional and local level within countries.³⁶ Furthermore, the role of agency is largely underplayed in such explanations, overlooking the possibility of local actors interpreting and shaping their institutional environment in dynamic ways – not the least in their bargains and

³³ Human Rights Watch 2010; Fichter 2011; Stevis 2011; Wills 2002.

³⁴ Deeg and Jackson 2007; Lane and Wood 2009.

³⁵ Hall and Soskice 2001.

³⁶ E.g. Jackson and Deeg 2008; Streeck 2009; Almond 2011.

negotiations with each other – even to the extent of changing macro-level institutions.³⁷

A further criticism of the comparative capitalism line of research centers on its neglect of the influences from and the interactions with transnational and global forces. In response other discourses have given considerable attention to cross-border institutional change, i.e., local change that is triggered, influenced and sometimes forced upon local actors through connections to globally operating organizations.³⁸ In particular, the approach which emphasizes the agency of micro-politics in cross-border institutional change is inextricably linked with the study of the institutional underpinnings of the MNC.³⁹ In this literature, it is explicitly acknowledged that institutions are adopted, translated, enacted or dropped through agency in headquarter-subsidiary relationships; and political dynamics, conflict and contestation among groups internal and external to the organization are emphasized as driving forces for institutional change. And yet, although delivering important insights into the organizational context of negotiations, these contributions not only bypass labor-management collective bargaining and the internal-external nexus of labor unions, they also neglect negotiations and their capacity to modify local interest positions and relax institutional constraints.⁴⁰

The above insights are important to a fuller understanding of GFAs. As an emergent governance institution, GFAs are the subject of continuous bargaining – individually and collectively – both about their general goals and their specific provisions. Bargaining becomes even more complex during the implementation phase, as the mode becomes more “distributive”⁴¹ and the number of actors increases exponentially. While during the negotiation stage the participants are largely limited to central managers for the MNC and one of organized labor’s representative bodies (the GUF, one or more home country unions or a works council body), implementation adds similar actor constellations at subsidiaries (and suppliers) across the globe.⁴² All of these separate national and local settings are subject to complex institutional dynamics of their own. For that reason we suggest that a bargaining model as proposed by Levy and Prakash has considerable theoretical utility and is consistent with the admonition of various authors

37 Thelen 2009.

38 Campbell, 2004; Geppert et al. 2006; Morgan and Kristensen 2006.

39 Geppert et al. 2006; Morgan and Kristensen 2006; Edwards et al. 2007.

40 Geppert and Williams 2006 are exceptional in this respect.

41 Walton et al. 2000.

42 Stevis and Boswell 2007.

that the interplay between agency and institutions across borders be given closer attention.⁴³

Levy and Prakash map out an argument for targeting MNCs as “key actors in the formation of governance regimes and that corporate strategies play an important role in the trajectory of regime development.”⁴⁴ They suggest that the complexity and dynamic nature of bargaining processes, with multiple actors attempting to exert leverage through various sources of power, leads to somewhat indeterminate bargaining outcomes. Their approach to bargaining over governance institutions – structures in their terms – “recognizes the multi-party nature of negotiations, multiple sources of power, and the complexity and dynamic nature of the bargaining process.”⁴⁵ Levy and Prakash suggest that, at present, MNCs prefer global enabling regimes and local regulatory regimes. The deeper logic of their argument is that there is a strategic relationship between governance goals and location of authority. GFAs present an interesting test of this dynamic. While negotiated globally their implementation has to take place locally. This complicates the relationship between the goals of governance and the location of authority. While management prefers that agreements remain soft types of global CR, labor sees them as a prelude to local union recognition and bargaining and, thus, industrial relations.

Implementation brings the location of authority to the local level of subsidiaries and suppliers in the host countries. An approach that can capture this dynamic is what geographers have labeled “local labor control regimes.” Jonas defines such “LLCRs” as a

*historically contingent and territorially embedded set of mechanisms which coordinate the reciprocities between production, work, consumption and labor reproduction within a local labor market.*⁴⁶

Building on this understanding of a labor control regime in a local context, Riisgaard and Hammer⁴⁷ conceptualize the injection of external conditions and actors via global production networks. Importantly, they emphasize the significance of labor as an actor, to which Rainnie, Herod and McGrath-Champ have added, that the

⁴³ Tempel and Walgenbach 2007; Lane and Wood 2009.

⁴⁴ Levy and Prakash 2003: p. 133.

⁴⁵ Levy and Prakash 2003: p. 147.

⁴⁶ Jonas 1996: p. 325.

⁴⁷ Riisgaard and Hammer 2011.

*governance of inter-firm linkages is mediated by the specific social relations of local production, as well as by the histories and geographical orientations of the actors involved (i.e., how local firms are spatially connected into the broader global economy). As a result, both production and labor control regimes will vary enormously across space.*⁴⁸

3.1 Mapping institutions and agency

In order to better take advantage of any model that involves actors, institutions and bargaining at various levels it is necessary to map these elements. Drawing upon the analytical schemes offered by Brown et al.⁴⁹ and Cooke⁵⁰ we can map the agential and institutional parameters involved in the transfer of labor practices, thus giving more specificity to the bargaining model proposed by Levy and Prakash and the LLCR dynamics. These analytical schemes are essentially three-dimensional. Institutions and actors, the first dimension, range from more internal to more external to the firm and operate from the global to the local levels (see Table 1 below).

External institutions relevant to labor practices involve corporate governance rules and industrial relations at the home and host countries as well as the competitive landscape at all levels. One of the important factors that a number of authors have pointed to, and which we mentioned above, is the variability within

	Institutions	Actors
External	Corporate Governance (home and host) IR and CR system(s) (home and host) Competitive landscape (global, home and host)	Global (GUFs, home county unions, other national unions) Local actors (national and subnational states and societal entities) Local unions (national and subnational)
Internal	Organization of firm (global, home and subsidiaries) Culture of Firm (CR and GFAs) Function and locale of activities	Global management Global employee bodies Local management (national and subnational) Local unions and employee organizations (national and subnational) with contracts

Table 1: Parameters in the transfer of labor practices.

⁴⁸ Rainnie et al. 2011: p. 162.

⁴⁹ Brown et al. 2010.

⁵⁰ Cooke 2008.

countries and across sectors. Global institutions and organizations are less relevant with the ILO providing a shadow of regulatory standards and the ISO poised to do the same with respect to CR.

Internal institutional arrangements, including labor union participation in decision-making, are central to understanding the global-local nexus precisely because the organizations we are dealing with are multinational companies. Analysts have pointed to the power and behavior of subsidiaries, largely related to the mode of expansion (merger, acquisition, greenfield investment), as important institutional factors⁵¹ as well as to the function and locale of economic activities.⁵²

CR, when it is actually implemented and internalized, can also be considered as an internal institutional arrangement as it changes the expectations of those working for the company as well as those interacting with it. Not only is CR contributing to the branding and legitimation of the company but it can also serve strategic goals, such as risk management and accountability.⁵³ GFAs can well serve both of these purposes, i.e., as a signal to the public and as a reference for workers and management. In this sense, GFAs may change the rules of engagement between management and unions.

The most significant external actors here are GUFs. A GUF's involvement brings with it that of its affiliates. Some of these affiliates may represent workers in the subsidiary, others may want to organize them and still others may be interested in broader developments in the sector or the GFA strategy as a whole. The GFA and the GUF, therefore, give workers and unions along the company's production and supply networks the right to pass judgment on the company's practices anywhere in the world. In short, they reconfigure the boundaries between the internal and external networks of the firm.⁵⁴

Despite increasingly vocal arguments in favor of effective enabling or social regulation through supranational organizations, as far as MNCs go, little has been accomplished up to now. In contrast, there has been significant devolution of competition for investment to the subnational level. This is particularly evident in the USA where the federal state plays an indirect and/or discreet role in attracting capital.⁵⁵ States, regions and cities have been at the forefront of competition for attracting investment. The nature of the incentives varies from place to place but in many cases labor liberalization, provision and control are

⁵¹ Kostova 1999; Kostova and Roth 2002; Birkinshaw and Pedersen 2009; Almond 2011.

⁵² Crouch et al. 2009.

⁵³ Kyle and Ruggie 2005.

⁵⁴ Dicken 2011: pp. 121–122.

⁵⁵ Cobb and Stueck 2005; Block and Keller 2011.

key selling points. Finally, on the actor side, managers at all levels are key internal players, as are unions and employee representative bodies – where present.⁵⁶

4 Bargaining, change and diversity: The significance of global-local linkages

4.1 Data and methods

The data for our four case studies is taken from the larger context of an interdisciplinary and multi-country research project on the motivation for and the implementation of GFAs. In the project, three criteria were used in selecting MNCs for our case study interviews from an original sample of 73 GFAs (2009) to control for industry-specific characteristics, regional home/headquarter effects, and the global reach of the MNC: (a) The GFA has been signed by one of the four GUFs (BWI, ICEM, IMF, UNI) which account for over 90 per cent of all those in existence; (b) The MNC is headquartered in Europe (85% of all firms with GFAs), attesting to a European style of HRM policies and labor relations at the HQ level; (c) The MNC has subsidiaries in Brazil, India, Turkey and the USA.⁵⁷ These countries are among the top ten for direct foreign investment by MNCs with GFAs. Also, their systems of labor relations differ markedly and, we would argue, provide a critical test for the global standardization of labor relations.

This selection process yielded a group of 22 MNCs with a GFA. For 8 of these we currently have primary and secondary source material as well as interview data from management and labor, all of which extends from the headquarter to the subsidiary level in the four focal countries. Further, text analyses of the interview data together with the texts of 73 GFAs was conducted at headquarters level using academic software (Atlas.ti).

The four cases selected for this paper are taken from the completed eight cases mentioned above. Each represents a different sector with a different GUF involved.

⁵⁶ Unions are autonomous from the corporation and generally have a range of membership that extends beyond a single corporation. As such we have dealt with them in this paper as external actors with legitimate internal concerns. Employee organizations, such as works councils, are considered internal because they are specific to the corporation and have some decision-making power. See Müller-Jentsch 2004.

⁵⁷ Using our definition of GFAs, we count a total of 85 as of the end of April 2012. While we have not analyzed the newer GFAs as we did with the first 73 we have kept abreast of developments and can state with certainty that there has been no change in the patterns reported.

Most importantly, the four GFAs examined include a “hollow” (ResourceCorp), a “modifying” (MetalCorp) and two “creative” outputs from the negotiation phase of the GFA process (SecureCorp and ChemCorp). Three of these companies share an overall good record in terms of the global implementation of their GFA; the fourth (ResourceCorp) has been a laggard globally, making its recent policy changes in the USA worthy of closer scrutiny. Yet, even the three companies with good records differ in terms of their actual implementation practices across the four countries we have been researching and their practices are largely consistent with what we would expect from the nature of the agreement, i.e., the creative agreements tend to be implemented according to the agreement while the modifying one varies depending on the strength of local unions. In all four cases there have been noticeable to major discrepancies between the commitments of the GFA and practices in the USA.

5 The cases

The four mini-cases are structured in a similar fashion, starting from the most “hollow” agreement and ending with the most “creative.” While we provide enough information to offer a rounded profile we err in the direction of information that best allows us to explore the continuous bargaining processes involving management and labor unions at various levels. On the basis of this evidence we argue that transnational collaboration amongst unions is a necessary if not sufficient condition of success. A second condition that multiplies the impact of transnational collaboration is the degree to which management at the global level is compelled to engage unions either as a result of union pressure or because of the value it attaches to the GFA. All cases show clearly that host country factors and the mode of presence in the USA shape the foundation on which the GFA is implemented. In three cases a confluence of transnational union collaboration combined with management’s decision to honor rather than escape its GFA moved implementation forward. The fourth case (MetalCorp) confirms the significance of this confluence. While this company has been more responsive in countries where such transnational strategies put pressure on the company it has been unresponsive in the USA because key unions along the corporation’s production chain could not collaborate.

5.1 ResourceCorp

ResourceCorp is a medium-sized family owned transnational in the business of resource extraction and production of building materials. As indicated by

its relatively high number of country locations (approx. 77) in combination with the relatively medium-sized number of employees (90,000), it operates a highly decentralized production network. Another thirty thousand workers are employed by sub-contractors for ResourceCorp. Three characteristics seem to be important for understanding ResourceCorp's business model: the intensive use of sub-contracting due to the high flexibility and low set-up costs of its root business process in resource extraction, the wide dispersion of its business operations including several countries with dubious human rights records, and its strategic turn to a management model based on a voluntaristic policy of environmental sustainability. According to the company, however, somewhat less than three-quarters of its employees have union representation and collective agreements.

The initiative for negotiating a GFA was taken by BWI as one of the responsible GUFs. Its success was the result of the informal personal channels of communication forged by the chief BWI negotiator at previous meetings of ResourceCorp's stakeholder council. Despite the prevalence of cooperative labor relations with the unions in ResourceCorp's home country, BWI and ICEM, which had joined the negotiations, had to overcome strong management resistance to concluding a GFA. ResourceCorp management continually harped on the need for the agreement to give preference to the host country laws on union recognition and collective bargaining over the core labor standards of the ILO. ResourceCorp's management also refused to jeopardize the economic benefits of outsourcing to business partners by extending agreed standards to suppliers. Moreover, management injected the legal argument that the company could not be held responsible for the policies of its subcontractors and suppliers, nor for those of its subsidiaries, which they designated as independent organizational units even where ResourceCorp was a majority shareholder.

In the end, it was partly a good personal relationship of one of the GUF representatives with the manager in charge of sustainability policy along with ResourceCorp's desire to get additional credibility for its CSR strategy and to keep alleged violations of labor standards an internal affair which broke the negotiation deadlock and led to the signing of the GFA in 2005. However, this strategy assigns only minor importance to labor-related issues. And indeed, since signing the agreement (2005) it has been a laggard in terms of its implementation, justifying the placement of this agreement in the "hollow" category.

ResourceCorp is one of the major players in North America, its third largest market, where it has grown via acquisitions. During the last decade it has sought to centralize its North American activities and place them more fully under the control of global headquarters. This, the company reports, has given it more leverage in sourcing. At the same time, the company has allowed its US subsidiary a great deal of independence in dealing with its employees. This fits well to central

management's legal arguments during negotiations and bolstered US management's strong opposition to the GFA.

During 2008 and 2009 ResourceCorp got involved in two contentious issues with two different US unions at the local level. In one case the company sought to modify the health coverage of its employees while in the other it sought to prevent unionization by hiring a union-avoidance specialist. These practices, along with a number of other local conflicts, had created a hostile environment. The unions involved eventually decided that approaching global HQs about implementing the GFA in the US was a promising strategy (despite their misgivings about GFAs in general). To that end they organized a North American network to coordinate their actions towards this and other companies in the sector. In addition to their continental network, they also sought collaboration with global union federations as well as national European unions. In a concerted effort, they attended meetings of the company's board and asked the secretary-general of one of the GUFs to play the role of the key interlocutor with global management. This he played out to the hilt, even to the point of threatening withdrawal from the agreement. This, then, was an instance of a transnational union network ensuring that local practices were brought to the attention of global management. Ultimately, global management overcame national and local resistance and committed to implementing the GFA in the USA at least in the foreseeable future. This decision was accompanied by an apparent reassignment of personnel at its US operations. In addition to the pressure applied by the global union network, it was reported to us that the dispute had generated concerns within the company about possible negative financial implications.

The company's letter of commitment to the implementation of the GFA in the USA is an incomplete step in the process of implementation. Shortly thereafter a subsidiary in an important emerging market claimed that the GFA did not apply to it. The GUFs involved have expressed their concern about this piecemeal approach to the GFA but were reassured that global management is willing to include the kind of explicit commitment that they offered in the USA into a renegotiated agreement. If so, this will be an instance of moving in the direction of transnationalizing HRM and labor relations in the interest of a comprehensive CR strategy.

5.2 MetalCorp

The second company is a leading automotive company with strong presence in North America. It expanded into the USA by purchasing a number of companies in the early 1990s. In all cases it accepted the status quo, which included unioni-

zation by two different unions. It continues to do so to this day, a practice that is consistent with the GFA but did not result from its application. In the late 1990s MetalCorp purchased a major US company while also building a new greenfield plant of its premium division in a southern state. For its part, the union (United Auto Workers – UAW) concluded that its recognition at the new greenfield site would pose no problems. This expectation received additional impetus from the CR initiatives adopted by the CEO (Global Compact) and the subsequent negotiation of a GFA. The global works council, in fact, provided for representation by the US and Canadian unions that held the contracts of the purchased company. In addition, the national works council and the major home union behind it worked out an arrangement whereby a representative of the US union would sit on the Supervisory Board of the company. Nevertheless, the company was resolute in opposing the meaningful participation of the IMF, making its signature on the agreement largely symbolic.

When the UAW and, subsequently, a second union, tried to unionize the greenfield site they were met with stiff local resistance at the company and in the community. The company disclaimed any anti-union activity on the part of its management, stating that it would welcome unionization if that was the preference of the employees. At the same time it indicated that their HRM practices were of such high quality that they saw no practical reason why workers would want to unionize. There is no evidence that the company actively opposed unionization in these cases. Instead, leading figures from the local development board strongly expressed their opposition to the company's position that unionization was a possibility, however unlikely and undesirable, and hired union-avoidance specialists. While this practice led to a public relations problem for the local development board it nevertheless successfully stymied unionization efforts. In a similar case at a local supplier to MetalCorp, the company claimed to be taking a neutral stance (there is some debate about that) while local interests took the lead in preventing unionization.

MetalCorp is highly unionized even outside its home country. In the USA, the company accepted the presence of the labor union at those workplaces, which it acquired from another company. In these instances, the labor union was a factor and an actor in the local labor control regime. MetalCorp's investment decision could not be selective regarding labor relations and had to recognize previously existing arrangements. To be sure, after the takeover, MetalCorp management could have elected to go non-union. However, it rejected that option, presumably because of the problems and conflicts it would have engendered.

In contrast, MetalCorp knowingly selected a location with a decidedly “no union” environment for its greenfield investment. While global management repeatedly confirmed its willingness to respect the right of the union to run an

organizing campaign and as a good “corporate citizen” to abide by the law and local customs, it was well aware of the strength of local anti-union sentiment. Attempts on the part of the UAW and subsequently the other union, the International Association of Machinists, to overcome this opposition failed, not only because of local anti-union activities, but also because the unions did not develop a transnational leverage strategy that would have included the powerful home country union and MetalCorp’s works council. As the organizing drives of the US unions remained local exercises, labor’s position of strength within the corporation’s home country remained unutilized. Global corporate management was not under any immediate pressure to make any clarifying statements or ensure that local management did in fact respect the corporate policy of neutrality.

Both instances raise important practical and theoretical questions. From a practical point of view it can be argued that the company did not live up to its GFA obligations by not taking a strong positive attitude towards unionization in its own plant and that of the supplier. This contrasts with the company’s much better record of using its GFA to resolve disputes involving suppliers throughout its production chain as well as its more recent policy explicitly applying the GFA to suppliers. It also contrasts with the company’s long-standing relations with unions in the rest of its activities throughout the USA.

5.3 SecureCorp

The third company is in the security sector. The company entered the US market in the 2004 by buying a Danish multinational, which had bought a large US company, a multinational in its own right, two years earlier. Soon thereafter the subsidiary entered into a protracted conflict with a major union, which is also a dominant player in the relevant Global Union Federation. The national union organized a global campaign that involved the GUF, bilateral relations with unions where SecureCorp operates, and union capacity building in countries where SecureCorp was planning new operations. The high costs of a continued conflict, pressure from a global network of unions and the company’s strategy to position itself as a global “brand” known for its CR in HRM in a sector rife with “bottom feeders” facilitated the resolution of the national conflict.

Security services must go where they are contracted (largely in cities) and can benefit from a good brand name, especially if they are global players seeking contracts involving high risk facilities or the headquarter locations of other globally operating corporations. As noted, the US union had an aggressive nationwide campaign to unionize the sector and supported that campaign through

transnational networks and capacity building. At the same time, its end-goal is a collaborative arrangement that seeks to ensure that companies that unionize remain competitive in their markets. Altogether, there are many reasons why a company interested in creating a global brand would be willing to find common ground with a major national union that has global reach. Moreover, the company sees the global union federation as a partner in ensuring higher levels of labor rights around the globe in exchange for a collaborative approach that ensures competitiveness. In this particular case, then, it would seem that the company is pursuing a transnational policy as far as HRM is concerned.

As with ResourceCorp, a transnational campaign pursued by labor unions moved the SecureCorp towards the implementation of the GFA in the USA. One important difference, however, is the more proactive and strategic view of the GFA by SecureCorp management. After bitter resistance to union recognition in the USA, SecureCorp HQ's management acquiesced, engaging the GUF as a global partner in developing a joint implementation policy. Yet, that does not mean that the negotiations have ended. During 2011 SecureCorp participated in multilateral negotiations in the USA with the key union and two other companies in the sector (one of them also a GFA signatory) in an effort to ensure that implementation does not place it in a disadvantageous position. As was related to us by union representatives, the expectation was that SecureCorp would take a leading role in the sector by actively supporting implementation. Most recent information suggests that some positive developments have taken place that will lead to the better implementation of the GFA in the USA. That SecureCorp assigns a great deal of importance to the USA is evidenced by the fact that the global HR manager, and the one who negotiated the GFA, has now taken over as HR manager for the Americas.

5.4 ChemCorp

The final company is in the chemicals sector and its major presence in the USA is through its purchase of a national company which was already unionized. Additionally, it has a variety of operations in other specialized chemicals. As a result it is a company in search of a common identity.

Because employees represented by one of the home unions are significant shareholders, they are entitled to elect a representative to the managing board. In this case, their representative, a former union official, is now in charge of the company's sustainability program. At the same time the CEO of the company is also committed to sustainability and CR. Yet, for some time the company was facing some obstacles in adopting the GFA provisions in the USA, despite the fact

that many of its plants are unionized and that central HQs was keen on implementing the IFA. Increasingly, however, a confluence of developments seems to have overcome any systemic local resistance. This confluence consists of a number of developments.

ChemCorp management has taken a very aggressive approach to globalizing its CR commitments emerging from the GFA in the direction of global social dialogue. Besides annual joint GUF-management missions to subsidiaries in selected countries, new forms of intra-company transnational networks have been institutionalized. This we would argue sets ChemCorp apart from the practices of SecureCorp, which are less institutionalized. This is clearly an instance of global headquarters pushing subsidiaries in the USA to implement the GFA. While a global HRM strategy may also be operating in this case (as the company is trying to unify its disparate acquisitions) there also seem to be additional factors associated with the global governance of the corporation at play. For these reasons, this GFA is one of the most “creative” ones.

At the global level the company has developed a close relationship with a global union federation that is itself very interested in ensuring its own role in negotiating and implementing global agreements. The external actor, in short has become an internal one. In collaboration the company and the global union federation have set up a global health and safety committee that is now in operation and are exploring the possibility of setting up a global works council. When a major US union with contracts at several important plants tried to organize a newly acquired facility and met with resistance from local management, global HQ reacted swiftly to protests from the US union and the GUF, ensuring that local management would not intervene and that no procedural obstacles to the unionization process would be raised.

During 2012 ChemCorp was bought by another company in the sector. Its CEO will succeed the buyer’s CEO when he retires in a few years. Whether these GFA-related initiatives survive and get transferred to the new company will be a major test of the resilience of best practices.

6 Findings and implications

The bargaining model advanced by Levy and Prakash is designed to show the complexity of interests with which MNCs must deal in pursuing their preferred governance goals. The authors conclude from this that MNC “support or opposition for a particular regime type” will be determined by “MNCs’ perceptions of their *relative* influence versus other actors across governance arenas as well as

the competitive implications of specific regimes.”⁵⁸ Secondly, the authors argue that the multi-actor and “dynamic nature of the bargaining process” results in an “indeterminacy of outcomes.” Thus, “while MNCs are powerful actors, they do not always succeed in imposing their preferred regime type.” Using this bargaining model we have been able to examine the impacts of internal and external actors operating within global and local institutional arrangements with particular attention to their impact on local labor control regimes. In what follows we outline the constellations of actors that best explain the outcomes that we observe and, on that basis, draw some general conclusions from the findings.

At ResourceCorp we found a corporate policy of outsourcing and delegating responsibility for employment and labor relations to local actors. Combined with a hollow GFA the way was opened for management representatives in one sub-national locality to attempt to weaken the recognized union and in another to block union recognition efforts. National host country union activity linked to the global union federations BWI and ICEM generated pressure that was applied to corporate headquarters, which in turn issued a policy guideline on neutrality and collective bargaining that national and subnational management was obliged to follow. Bargaining over union demands was restarted and local management remained neutral in a recognition election that the union won. How stable local labor-management relations are over time is uncertain. At this point, however, we have an actor constellation in support of implementing the GFA that is driven by transnational union collaboration and facilitated by global management’s decision to make national management implement the GFA.

At SecureCorp, investment in the USA took place before the GFA was signed and came via acquisition of an operation with an openly anti-union policy. SecureCorp headquarters had good relations with its home country union, but left decisions on labor relations to local management in the USA. The national union, which was external to the corporation as it held no contracts, concluded that it could only gain recognition through an aggressive public campaign and transnational union cooperation. Working with the relevant GUF (UNI) and affiliates in other countries with SecureCorp subsidiaries, the national union turned a national campaign into a global one, which in the end brought SecureCorp corporate headquarters to the bargaining table to negotiate a GFA. The GFA is a creative one because it establishes and institutionalizes joint consultations and implementation. After the signing of the GFA, partial recognition of the union has been achieved and collective bargaining has commenced. Again, the actor constellation that produced these results involved transnational union collaboration and

58 Levy and Prakash 2003: p. 134.

a global management that decided to honor its commitments and force national management to comply with them. Interestingly, in this case, the national union's willingness to help the corporation remain competitive while also running a worldwide campaign in collaboration with the GUF seems to have played an important role for a global management intent on branding the corporation.

ChemCorp has invested in the US through acquisitions. In some subnational labor markets unions were already established while, in others, unions had not been able to organize ChemCorp operations. National unions ran into stiff opposition on the part of national ChemCorp management. The union reported this problem to the GUF (ICEM), which embarked on a joint mission to the USA with global management in order to bring US management into line with corporate policy as expressed in its GFA. This example of a creative agreement involving a joint GUF-headquarter management approach enabled the national union to run an organizing campaign and win a recognition election. In this case we found an actor constellation driven by the joint activity of the global external and internal actors, but also with strong input from the national union. The role of national management has been more reactive than proactive, meaning that the long-term implementation of the GFA is still hanging in the balance, especially since ChemCorp has been acquired by a company that has not signed a global agreement.

MetalCorp's investments in the USA are a good example of the adaptation of an MNC to specific local labor control regimes in conjunction with its investment goal of gaining and increasing its market shares in the US. The first investments in production sites were through acquisitions of operations some with union contracts. With a more recent greenfield investment, a location was chosen with a dominant anti-union culture, although MetalCorp has a long history of stable relations with the home country union and has a GFA that is strongly anchored at headquarters and has been used to rectify reported violations outside the USA. MetalCorp accepted the union as an actor in the local labor market at the acquired sites. In contrast, at the greenfield site, local management has declared itself neutral in line with official corporate policy, but has used MetalCorp's strong position in the local labor market based on attractive employment conditions and its integrated position in the local business community to undermine union organizing efforts. Until recently, the unions in both the host and the home countries did little to leverage this situation by developing transnational links together with the GUF (IMF). As a result, the actor constellation was fragmented: national and subnational local management determined employment conditions and silenced union voice, global external (GUF) and internal (World Employee Committee) actors on the labor side were not consulted or recruited for developing a common strategy, and global management could reference the GFA without having to involve itself locally or discipline local management.

From these cases we summarize that GFA implementation depends on the strength of the overarching actor constellation. Implementation is most successful when all four actor groups: local internal, local external, global internal and global external cooperate in realizing the agreement. Where such coalitions of cooperative partners do not develop, local management has the leeway to determine labor relations policies. However, what our cases also show is that when global external actors, such as GUFs, are successful in leveraging the GFA with global management, then local management acquiesces, at the very least. In the MetalCorp case neither of these two constellations were present.

The three successful cases support the possibility that MNCs do not always get to hold onto the advantages they reaped when making policy without union involvement; but also, that in certain situations they may be adaptable to accepting constructive labor relations with unions if necessary. Transnational labor collaboration in conjunction with the successful leveraging of the GFA at the level of global management helped move these GFAs away from the host country dynamics. This finding is consistent with Cooke's argument⁵⁹ that transnational union collaboration can help shift the balance of power in favor of labor unions, especially in a country like the USA. Transnational union collaboration, he suggests, raises the costs of intransigence on the part of management by expanding the scale and scope of management-union engagement. One of the advantages that corporations enjoy is that they can engage in global strategies against entities, whether states, localities or unions that employ local strategies. Transnational union collaboration tempers this uneven bargaining relationship. This is consistent with the logic of Keck and Sikkink's argument⁶⁰ regarding the potential of local-global-local "boomerang" effects.

The significant additional finding here is that the implementation of the GFA required both transnational union collaboration and a successful engagement of management by employing the "institution" of the GFA. Our explanation, therefore, involves a confluence of actor preferences as well as an institutional element. Our broader research suggests that at this constitutional moment in time most GFA signatories have sooner or later responded to transnational collaboration that involved GUFs while they were less likely to do so when the pressures were more fragmented and did not involve the use of a GFA. Evidence for this can be seen in a dramatic case involving IKEA in the USA, where transnational union collaboration and use of the GFA allowed a national union to organize a plant in

59 Cooke 2005.

60 Keck and Sikkink 1998.

Virginia. In contrast, a local campaign involving the same company in the same town during the same time failed dismally.⁶¹

The fact that a number of GFAs have been implemented in the USA does not mean that they are all the same. What becomes apparent is that the micro-institutional arrangements that emerge, i.e., the specific GFAs, reflect the bargaining amongst actors that starts with negotiations and continues with implementation and beyond. Some of these GFAs reflect more proactive attempts at global social dialogue, others are instances of HRM based global branding and still others may be examples of assertive unilateral CR policies.

Another intriguing lesson from our study relates to the preferred levels of authority. Levy and Prakash suggest that MNCs prefer enabling regimes at the global level and social regulatory regimes at the national level. In general this confirms insights by others that MNCs do not treat all functions equally. Strategic functions are more likely to attract the resources of HQs while less strategic functions are likely to be marginalized and fragmented.⁶² What the GFAs show, and this is not inconsistent with the deeper logic of the Levy and Prakash argument and the literature on forum-shifting, is that choices regarding levels of authority are strategic. In this case MNCs prefer to keep GFAs at the global level to avoid the costs of implementation and to absorb the CR benefits. GUFs, on the other hand, want GFAs implemented at the local level because it is here that enforceable agreements can be reached through collective bargaining, thus institutionalizing the process and moving in the direction of social regulation. One presumes that as the bargaining over GFAs unfolds the various actors involved will continue to promote those levels of authority that are more consistent with the kinds of policy that they want.

7 Conclusions: CR, MNCs and Nation-States

The puzzle animating this article is rooted in the exceptions we have found to the influence of USA liberal capitalism on European signatories of GFAs. The fact that these are exceptions that deviate from the norm demonstrates the influence of national institutions on the implementation of CR initiatives. A growing corrective to the aggregate national level of much of comparative institutionalism has been the emphasis on subnational and local institutional arrangements.⁶³ Such an approach

⁶¹ BNA 2011; BWI 2011.

⁶² Kostova 1999; Kostova and Roth 2002.

⁶³ Geppert and Williams 2006; Crouch et al. 2009; Lane and Wood 2009; Almond 2011.

is necessary for large, federal countries and consistent with the approach to transnational politics associated with global production networks.⁶⁴ However, it serves better as a corrective as most subnational dynamics are engendered by and nested within broader national rules and institutions. The heterogeneity of US industrial relations in the private sector is particularly apparent in the MetalCorp case.

As we have shown, GFAs involve a category of actors, GUFs and their member affiliates from different countries, that has not received much attention in the literature.⁶⁵ A GUF's mandate to negotiate and sign a GFA comes indirectly from employees via its member unions. GUFs are weak organizations, both in terms of rule making and resources. However, they occupy a nodal point that brings together organizations from practically every corner of the world. To the degree that their affiliates allow them a modicum of autonomy they can exercise a leadership in regard to MNCs and their labor policies that is unrivaled among civil society organizations.

Managers at the global, national and local level are key internal actors, their relations shifting depending on the nature of the cross-border strategy of the corporation.⁶⁶ While we have only been able to touch briefly on their roles in the GFA implementation process, both the bargaining model and the case studies should have made it clear that GFAs, much more than unilateral codes of conduct and almost all multi-stakeholder arrangements, have an actually substantial impact on the internal managerial relations of the corporation. On one hand, they empower HQs to pursue a global labor strategy while, on the other, they require national and local managers to craft local labor strategies that reflect local institutions but are also consistent with the GFA.

GFAs are not simply goals to be reached in this case. They are also strategic tools that are employed by transnational union networks for institutionalizing global labor relations. GFAs present us with an important case because they are negotiated with labor unions, autonomous organizations that represent MNC workers. This distinguishes them from entities such as NGOs that advocate for workers.⁶⁷ As a result their attention to the firm's activities is more sustained. Moreover, as our cases suggest, unions can scale up their bargaining activity to the global level while "shadowing" the firm from the plant to the HQs. When unions can collaborate, and important elements of management are committed to the GFA the end result is a global form of governance within which local implementation is enacted.

64 Dicken 2011.

65 Stevis 1998; Stevis and Boswell 2008; Croucher and Cotton 2009; Platzer and Müller 2011.

66 Bartlett and Ghoshal 1998.

67 Seidman 2005; Fichter and Sydow 2002.

But what do GFAs, as an *emergent* institution, herald? With respect to the corporation they are more likely to promote global rather than multi domestic or transnational labor practices. GFAs commit MNCs to ensure that their subsidiaries and their suppliers adopt policies that are based on global standards while remaining sensitive to local circumstances. To the degree that transnational labor collaboration is successful it raises the salience and visibility of labor practices on the MNC agenda. As a result, GFAs globalize both CR and the MNC.

But does that mean that GFAs are evidence of a new global regulatory labor regime? That is not necessarily the case. As our case studies show, even successful implementation of individual GFAs does not automatically mean the emergence of a broader institution of negotiated civic regulation.⁶⁸ Unless a majority of leading firms in each sector has negotiated and implemented similar GFAs, a move beyond national labor relations systems and towards a more patterned global regime is unlikely. Nevertheless, the micro-institutional beginnings of individual GFAs could well pave the way for a meso-institutional global regime.

However, in the absence of global public rules, it is very possible that a patchwork of social regulatory regimes at the level of individual firms may emerge. This possibility would be embedding GFAs within CR more so than embedding CR within emerging forms of civic or public regulation or industrial relations. Such an outcome may well be considered business-enabling to the degree that it limits the pressure on the MNC to be consistent with globally established labor rules and fails to come to terms with the precariousness of employment relationships at the periphery of global production networks.

There is no evidence that binding global public policy with respect to labor practices is on the horizon. An adequate global public policy would have to ensure that firms and global production networks are covered, i.e., that firms have responsibility for those they “govern” even in countries with low labor standards. It is conceivable that the source of such policy would be the ILO, but its role would have to be strengthened and its standards better integrated into a comprehensive global social policy. Yet, while GFAs, by themselves, leave a great deal to be desired, their experience can serve to identify best practices in this continuous bargaining that involves negotiation, implementation, monitoring, evaluation and renegotiation. Ideally, such a process can inform a global public policy tailored to a world in which MNCs play a central if not dominant role. However, unless GUFs and transnational union collaboration can ensure that the content and implementation of GFAs is not mired in a contradictory patchwork, individual best practices will not necessarily amount to collective best practices.

68 Bendell 2000.

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