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Industrial relations at centre stage: Efficiency, equity and voice in the governance of global labour standards*

Thomas Haipeter, Markus Helfen, Anja Kirsch, Sophie Rosenbohm, Christine Üyükc**

Abstract: Considering the persistent violation of labour rights, questions arise as to the effectiveness of policy instruments regarding the governance of global labour standards. We adopt an industrial relations perspective to compare three broad categories of policy instruments: state-centred regulation, employer-centred regulation, and transnational industrial relations agreements. To structure our comparison, we adapt Budd and Colvin's (2014) "Efficiency, Equity and Voice (EEV)" framework for conflict handling to the field of global labour governance. We operationalize the efficiency, equity and voice criteria to examine the outcome of policy instruments and process orientation, their scope and coverage, and the opportunities they provide for worker participation and union building. Our comparison shows that each category of instruments has characteristic strengths and weaknesses, and does not suffice on its own to protect global labour standards adequately. This accounts for why, paradoxically, we observe both a proliferation of policy instruments and the persistent violation of labour rights. More research is required to improve our understanding of how different political instruments could be combined, and we conclude by proposing elementary building blocks that improve the governance of global labour standards along global value chains.

Keywords: Critical pluralism, global labour standards, global framework agreements, multinational companies, ILO, global labour governance. JEL: F23, F66, J80, M14

Industrielle Beziehungen im Mittelpunkt: Effizienz, Fairness und Mitsprache in der Governance globaler Arbeitsstandards

Zusammenfassung: Angesichts anhaltender Verletzungen von Arbeitnehmerrechten entstehen Fragen zur Effektivität von Politikinstrumenten zur Governance globaler Arbeitsstandards. Aus einer Perspektive der industriellen Beziehungen heraus vergleichen wir drei

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Kategorien von Instrumenten: staatliche Regulierung, arbeitgebergeführte Regulierung, und transnationale Vereinbarungen zwischen Arbeitgebern und Gewerkschaften. Um unseren Vergleich zu strukturieren, passen wir Budd und Colvins (2014) Analyserahmen zu Effizienz, Fairness und Mitsprache im Konfliktmanagement auf das Gebiet der Governance globaler Arbeitsstandards an. Wir operationalisieren die Kriterien Effizienz, Fairness und Mitsprache, um die Ergebnis- und Prozessorientierung und den Geltungsbereich von Politikinstrumenten, sowie die Möglichkeiten, welche sie für Arbeitnehmermitbestimmung und den Aufbau gewerkschaftlicher Strukturen bieten, zu erfassen. Unser Vergleich zeigt, dass die Instrumente jeder Kategorie charakteristische Stärken und Schwächen haben, und nicht alleine ausreichen, um globale Arbeitsstandards aufrechtzuerhalten. Dies trägt zur Erklärung der paradoxen Beobachtung sowohl einer Proliferation von Politikinstrumenten als auch anhaltender Verletzungen von Arbeitnehmerrechten bei. Weitere Forschung ist nötig, um zu verstehen, wie verschiedene Politikinstrumente kombiniert werden können, und wir enden mit einem Vorschlag elementarer Bausteine, welche die Governance globaler Arbeitsstandards in globalen Wertschöpfungsketten verbessern können.

Schlagwörter: kritischer Pluralismus, globale Arbeitsstandards, globale Rahmenabkommen, multinationale Unternehmen, ILO, Governance globaler Arbeitsstandards

1 Introduction

Over the past hundred years, the International Labour Organisation (ILO) has established an impressive corpus of conventions and recommendations that establish the basic minimum labour standards to be implemented in its member states (Valticos, 1998; Standing, 2008). There is the set of fundamental rights every member state is obliged to guarantee, i.e. the abolition of forced labour and child labour, the elimination of discrimination in respect of employment and occupation, the freedom of association, and the effective recognition of the right to collective bargaining (ILO, 1998). In addition, ILO conventions cover various topics from wages and working hours to occupational health and safety, maternity protection and vocational education and training (Sengenberger, 2005). Despite this comprehensive basis, violations of even the most fundamental rights are not abating (ILO, 2011, 2017a, 2017b; ITUC, 2020). This poses a profound challenge for the world's social development as defined in the United Nations' Sustainable Development Goals (UN, 2015).

Partly in response to this situation, a plethora of policy instruments for safeguarding labour standards has been developed over the last three decades by a multitude of public and private actors. Some scholars have already identified the emergence of a "global labour governance regime" (Hassel, 2008), an "institutional infrastructure" (Waddock, 2008) or a "texture of transnational labour regulation" (Pries & Seeliger, 2013). Building on a critical reading of the extant literature on the governance of global labour standards, we aim to understand this paradoxical gap between the proliferation of policy instruments and the persistence of labour rights violations from an industrial relations perspective.

Our key contribution is to classify various policy instruments designed to uphold global labour standards by drawing on concepts developed in the industrial relations literature (Dunlop, 1958; Müller-Jentsch, 2004; Budd & Bhawe, 2008; Heery, 2016). Reflecting on key

actors and different modes of governance, we identify three types of instruments. They differ in whether (a) the key actor steering the adoption and implementation of the instrument is the state (“state-centred”), or (b) one or several employers (“employer-centred”), or (c) whether the instrument is negotiated by trade unions, employers, and possibly other stakeholders such as civil society organizations (“transnational industrial relations agreements”).

In addition, we contribute a framework for assessing the prospects and limitations of these three types of policy instruments. Our framework is rooted in a pluralist industrial relations frame of reference (Budd & Bhawe, 2008; Heery, 2016). In industrial relations research, pluralist analyses hold that workers and employers have conflicting interests, but that they can achieve a balance between these interests. This balancing occurs either through a process of negotiation between workers and employers, or through the creation of regulations by the state that require employers to observe workers’ interests. In our analysis of these types of instruments, we build on and adapt Budd and Colvin’s (2014) “Efficiency, Equity and Voice (EEV)” framework for conflict handling.

We reveal the strengths and weaknesses of the different categories of instruments and find that single categories are not sufficient in themselves to broadly protect global labour standards. In concluding, we concede that a complementary and integrated system for the governance of global labour standards is still far away from being a reality because the instruments’ respective strengths and weaknesses do not readily combine into a positive outcome.

2 Policy instruments for the governance of global labour standards

A necessary first step in any attempt to assess the effectiveness of policy instruments is to categorize them. In the political science literature, various typologies of policy instruments exist, and they are based on dimensions such as whether the regulations that are formulated are binding or non-binding, whether they are material or procedural regulations, whether they are enforced via sanctions or not, and many more (Treib, Bähr, & Falkner, 2007; O’Rourke, 2006). In the literature on corporate social responsibility (CSR), a distinction is commonly made between public regulation on the one hand and private regulation on the other (Fransen & Burgoon, 2017). The private mode of governance is, then, split into “business-driven” and “multi-stakeholder” forms (Brammer, Jackson, & Matten, 2012; Fransen, 2012; Gereffi & Lee, 2016).

However, these classifications generally have not distinguished whether or not unions are involved (but see Ashwin, Schüßler, Alexander, & Lohmeyer, 2020; Donaghey, Reinecke, Niforou, & Lawson, 2014). From an industrial relations view, the inclusion or exclusion of unions in the governance of labour standards is a key dimension of interest. Hence, following this perspective, we focus on the main actors of the industrial relations system – the state, employers and unions (e.g. Dunlop, 1958), complemented by civil society organizations as “new actors” in the industrial relations field (Williams, Heery, & Abbott, 2011). With regard to the mode of governance, we build upon the distinction made in the industrial relations literature between governmental regulation, where standards are set and implemented by treaty or law and enforced through administrative actions; unilateral regulation, where those

standards are developed and adopted exclusively by private actors on a voluntary basis; and bilateral or multi-stakeholder regulation based on joint actions of two (or more) private actors (Müller-Jentsch, 2004; Pries, 2020). In so doing, we build upon extant typologies in the industrial relations field. For example, Kuruvilla and Verma (2006) have distinguished between soft and hard regulation of labour standards, whereby hard regulation can only be guaranteed by the state or by state delegation to other regulators. In addition, Ashwin et al. (2020) have explicitly introduced the notion of transnational industrial relations agreements to situate unions in global standard setting initiatives. Based on these considerations, and acknowledging that instruments might cross these analytical categories in practice, we distinguish three groups of instruments:

- (1) State-centred regulation
- (2) employer-centred regulation and
- (3) transnational industrial relations agreements.

The second step in assessing the effectiveness of policy instruments is to develop criteria for comparing the prospects and limitations of policy instruments in the field of global labour standards. We adapt the EEV framework (Budd, 2004; Budd & Colvin, 2014) which conceptualizes (1) *efficiency*, (2) *equity* and (3) *voice* as the three goals of organizational conflict handling. In this framework, *efficiency* refers to the profit-maximizing use of labour and other scarce resources to create prosperity and economic development. *Equity* refers to fairness in the distribution of economic rewards and in the administration of employment policies, so that all employees are treated in a similar and non-discriminatory way. *Voice* refers to the extent to which employees can participate in workplace decision-making, both individually and collectively. According to this understanding, the narrow focus on efficiency predominant in economics must be balanced with equity and voice concerns.

An adaptation of the EEV framework to the field of global labour standards requires scrutinizing the meaning of the three objectives and assessing how they can be used as criteria for evaluating policy instruments. In other words, the criteria must be operationalised to match the peculiarities of global labour standards. According to our framework (see Table 1), policy instruments for the governance of global labour standards are *efficient* if they have the potential to uphold and improve labour standards (outcome orientation) and if they allow for due process in case of violations (process orientation). Those instruments are *equitable* if they encompass a comprehensive set of labour rights for many types of workers along the value chain. Policy instruments provide *voice* when employees and unions participate in the formulation, implementation and monitoring of labour rights at the local level. This includes the establishment of voice structures through union building if they are not yet present.

Table 1: Effectiveness of policy instruments in the governance of global labour standards

Efficiency	Outcome and process orientation	<ul style="list-style-type: none"> • Do the instruments have the potential to uphold and improve global labour standards? • Do the instruments provide for due process in case of violations?
Equity	Scope and coverage	<ul style="list-style-type: none"> • Do the instruments encompass a comprehensive set of labour rights? • Do the instruments cover different types of workers in the supply chain?
Voice	Participation and union building	<ul style="list-style-type: none"> • Do the instruments ensure the participation of local workers and unions in the formulation and implementation of labour standards? • Do the instruments support union building?

Source: own compilation

In the next sections, we use this framework to formulate expectations about the extent to which instruments in each category – state-centred regulation, employer-centred regulation, and transnational industrial relations agreements – contribute to the achievement of efficiency, equity, and voice. Our selection of instruments in each category highlights its specific characteristics and institutional logics. The empirical evidence we review does not constitute a representative recapitulation of all contributions to the field; rather we draw on studies from different disciplines and research areas that illustrate the range of expectations.

3 Efficiency, equity and voice in the governance of global labour standards

3.1 State-centred regulation

In recent decades, states were considered to be at a disadvantage in globalization, condemned either to powerlessness in the face of the movements of globally mobile capital or to follow an institutional competition by attracting foreign investments through lowering taxes and labour rights as well as relaxing environmental regulations (Evans, 1997). But the picture of a general disempowerment of the state in a world of global value chains does not correspond to reality. First, states have shaped the globalised world substantially, from the formation of multilateral institutions such as the WTO and the advocacy of neoliberal ideologies to the promotion of deregulation and privatisation. Second, states still play a central role in labour regulation, at least within their territories, by defining national labour law. State policies and institutions continue to make a difference, also with regard to the role and effectiveness of private forms of governance by multinational corporations (Jackson & Apostolakou, 2009; Locke, Rissing, & Pal, 2013). Third, the influence of states on labour standards exceeds national territories in several respects. We discuss two main forms of transnational influence of states on labour standards: labour provisions in trade agreements and government support of private regulation in multinational companies (MNCs).

Labour provisions in trade agreements

An important form of state-centred regulation is the inclusion of labour provisions in *multi-lateral trade agreements*. The most inclusive attempt to agree on labour provisions – and the most encompassing one in terms of its potential effects on *equity* – was the initiative to define such provisions within the World Trade Organisation (WTO). However, the attempt was not crowned with success. Although the ILO published its declaration of the core labour standards in this context, the goal of including social provisions was rejected at the WTO ministerial meetings in Singapore (1996) and Seattle (1999) by many developing countries as an expression of protectionism (Turnell, 2002).

In light of the problems of multilateral trade agreements, the importance of *bilateral or regional trade agreements* for anchoring social provisions increased. In the first decade of this millennium, the share of trade agreements with labour provisions grew to 30 % of all newly concluded trade agreements (Ebert & Posthuma, 2011), covering 5 % of total world trade (Ebert, 2015). Within the group of regional trade agreements, the agreements of the USA and the EU with third countries stand out. The agreements are typically differentiated according to whether they contain conditional social provisions linked to concrete sanction mechanisms or whether they are based on promotional provisions in which supervision or capacity building are the main focus; other important criteria for differentiation are dialogue or monitoring processes (Ebert & Posthuma, 2011). Conditional labour provisions are mainly found in the trade agreements of the USA. Again, a distinction can be made according to whether the agreements stipulate conditions for the establishment of labour standards prior to their validity (pre-ratification conditionality) or whether they require such conditions only after ratification.

Despite the growing importance of labour provisions, assessing their effects on labour standards is a difficult task, as there is only little evidence presented in the literature. This is especially true for EU trade agreements (Campling, Harrison, Richardson, & Smith, 2016). Moreover, looking at the agreement between the EU and South Korea, Campling et al. (2016) stress that the mechanisms for resolving labour disputes defined in the agreement are rather ineffective. In consequence, scholars recommend that the activities of capacity building should be specified more precisely (Ebert, 2016) and that the involvement of civil society actors should be institutionalised to a greater extent (Van der Putte, 2015).

Looking at US agreements, pre-ratification conditionality seems to be a more effective instrument; in several cases it has established the recognition of trade unions and collective bargaining (Ebert, 2015; Greven, 2005). By contrast, no such effects were observed in post-ratification conditionality, where the focus is on compliance with national labour standards. The effectiveness of these regulations in turn depends crucially on the political will of the respective countries – including the USA itself – and on the activities of trade unions and civil society actors (Ebert, 2015). One US agreement in particular has paved the way for a more effective governance of local labour standards: the agreement between the USA and Cambodia on the textile industry which made access to US markets conditional upon improved working conditions. Research evidence shows that compliance with labour standards in Cambodian textile factories has increased since the agreement has been in place (Oka, 2010). An important factor explaining this positive development is the collaboration between the Cambodian government and the ILO. The government requires all garment factories engaged in export to submit to monitoring by the “Better Factory Program”. This program, relabelled

“Better Work” later on, was developed by the ILO after being asked by the US government to monitor and report progress regarding compliance with labour standards.

Due to lack of evidence, the effects of labour provisions in trade agreements with respect to efficiency, equity and voice are difficult to assess. As indirect instruments, they seem to have little direct impact on labour conditions and therefore not very efficient. There are two exceptions to mention: agreements based on the “ex ante due diligence” which forces states to improve labour laws and conditions before signing the contract (Kim, 2012), and the US-Cambodia agreement, which takes the ILO on board to support and control local developments. Although trade agreements cover whole regions or states, they are, however, far from being a universal phenomenon; only a handful of such agreements exist. This limits their scope to certain countries and industries, and leads to a rather low level of equity. Finally, as trade agreements are negotiated between states, they usually exclude local workers and unions from the formulation of labour standards, which limits their provision of voice.

Government support of private regulation

A second state-centred instrument of transnational labour regulation is more indirect than labour provisions in trade agreements: *state support of private CSR initiatives by MNCs*. According to the literature, four forms exist (Knudsen, Moon, & Slager, 2015): political support for CSR through general information campaigns or the awarding and labelling of schemes (endorsement); incentives for companies to adopt CSR through subsidies or tax incentives, including rules of public procurement (facilitation); collaboration of government organisations with business organisations to disseminate knowledge or develop standards or guidelines (partnership); and the regulation of minimum standards for business performance (mandate).

Thus, such state-centred regulation on CSR ranges from very soft (information-oriented) policies to hard law in the form of mandates, but the softness–hardness dimension does not allow for straightforward inferences about efficiency, equity and voice effects. Nevertheless, LeBaron and Rühmkorf (2017), who compare two CSR-focused state-centred regulations in the UK – the more stringent Bribery Act and the Modern Slavery Act which relies on voluntary action by corporations, find that the harder form of CSR regulation resulted in greater changes in corporate policy and practices than the softer form. Multi-stakeholder voice mechanisms, however, are on the softer side of the range but might work well in bringing people with different interests together and offer the opportunity to participate in governance issues. We know only little about the real-world effects of these instruments – a research gap that has to be filled before assessment is possible.

States also influence CSR by creating codes of corporate conduct through their multi-lateral institutions. One example is the OECD Guidelines for Multinational Companies (Scheper, 2017a), a voluntary regulation which is monitored ultimately by the states. In case of the OECD Guidelines, states have to establish National Contact Points (NCPs) that promote the adoption of the Guidelines by the MNCs headquartered in their country and handle complaints about violations. However, as the implementation of the working principles for the NCPs (visibility, accessibility, transparency, and accountability) is not clearly defined, there is a lack of consistency in the approach (Yildiz, 2019). Moreover, adoption of the OECD Guidelines remains voluntary, and the NCPs have no means of sanction as they can only moderate complaints and, if there is no solution, prepare a report and adopt a public decla-

ration. Even though about 450 instances have been handled in the NCPs since 2000, and more than half of them concerned labour and industrial relations issues, little is known about the effects on labour conditions in countries not belonging to the OECD. Again, efficiency is restricted by the fact that the OECD Guidelines are recognised by the states but not by the companies. Hence, the companies cannot be held responsible in the event of a breach of the Guidelines. The scope of the Guidelines as an indicator of equity can be positively emphasised, as two thirds of the 100 largest MNCs are based in OECD member states. In addition, the OECD Guidelines cover a comprehensive set of labour rights and do not only refer to the company itself, but also to its business relationships. Voice is provided through the important role of trade unions and non-governmental organizations (NGOs) in monitoring, as they have submitted the most complaints (Yildiz, 2019). Nevertheless, the limitation of the NCPs to OECD countries makes it difficult for local actors from other countries to exert influence.

3.2 Employer-centred regulation

Due to the manifold weaknesses of state regulation, private standards have been expected to complement and supplement state authority in upholding labour standards (Vogel, 2010). For the last three decades, many national and international initiatives for private governance have been devised by corporations and business associations of different varieties as part of their business strategies, sometimes supported by single legislating bodies, international state agencies and civil society organizations. Although these MNC activities are meant to meet political pressures, societal expectations and legal requirements, there are also drivers from the inside of MNC such as top managers' humanist convictions, corporate philanthropy, the socio-technical requirements of the value creation process and the pre-emption of state regulation (Elkington, 1999; Kaplan, 2015).

Private standards take on many forms and have produced an overwhelming universe of various instruments since the late 1990s. One way to bring some order in the myriad of voluntary initiatives is to distinguish between voluntary *codes of conduct and guidelines* adopted by a single MNC and *multi-employer standards* (for an overview see de Colle, Henriques, & Sarasvathy, 2014).

Codes of conduct

Codes of conduct initiatives boil down to the question of how management and owners engage with upholding labour standards on a voluntary basis. There are two rather contradictory expectations to be found in the literature. For some observers, weakening workers' rights is a default business calculation, and standards monitored by seemingly elaborate accounting instruments create little more than facades of legitimacy for poor social records (LeBaron & Lister, 2015). Others respond more positively to the societal expectations placed upon business to act more responsibly and the competitive advantages business might seek through this (e.g. Vogel, 2010). A closer examination of codes of conduct shows that they differ according to their approach toward implementation and monitoring. Locke et al. (2013) distinguish a compliance approach and a commitment approach: The former focuses on monitoring suppliers' compliance with standards and includes an ultimate sanctioning option of terminating

contracts with suppliers who do not conform; the latter favours joint problem solving by buyers and suppliers and the development of suppliers to increase their capability to meet standards.

Looking at the effects of private standards, two main findings stand out. First, many studies demonstrate private codes' potential to improve labour conditions in factories (Lund-Thomsen & Lindgreen, 2014). Mostly based on the analysis of company audits, these findings suggest that improvements have taken place at least to a moderate degree. Anner (2012) argues that codes of conduct have contributed to the detection and enforcement of minimal standards; Bartley and Egels-Zandén (2016) observe moderate improvements in working conditions, Barrientos and Smith (2007) observe an improvement in wages and health and safety; Bartley and Egels-Zandén (2015) observe changes in the area of health and safety like fewer accidents and cleaner shop floors; and Donaghey and Reinecke (2018) point to improvements in working conditions that can be reached in the short run. Egels-Zandén (2014) observes that substantial improvements of wages and working conditions have been realised among Chinese toy suppliers; Kocer and Fransen (2009) point to positive changes of working conditions in the Turkish clothing industry; Locke (2013) and Locke et al. (2013) show how single suppliers of Nike in Mexico and of Hewlett-Packard in Mexico and the Czech Republic improve their rating score in internal audits if there is a closer collaboration between the buying firm and the supplier. Given these and similar findings, we conclude that codes of conduct show some efficiency in improving labour standards, particularly regarding minimum wages and occupational health and safety.

Second, codes of conduct seem to have some advantages in terms of equity, i.e. with regards to their scope and coverage of diverse groups of workers, as they are practiced in complex supply structures of buyer-driven chains in industries that, like apparel and electronics, can include a great number of suppliers (Josserand & Kaine, 2016; Riisgaard & Hammer, 2011; Locke, 2013). However, the literature also identifies a couple of important contingencies on which private codes' functioning depends. Apart from the overall character of buyer-supplier relationships and buyers' sourcing strategies (Locke 2013; Lund-Thomsen, Nadvi, Chan, Khara & Xue, 2012; Helfen, Schüßler, & Sydow, 2018), much depends on how the auditing is performed in practice (Locke, Amengual, Mangla, 2009; Lund-Thomsen et al. 2012). Also, the production regime is relevant as Lund-Thomsen et al. (2012) show for football-stitching, where voluntary auditing fails for subcontractors working in informal and household structures. Further, the cooperation of auditors with labour inspectorates seems to increase the probability that auditing can increase the efficiency of standards (Bartley & Egels-Zandén, 2015; Distelhorst, Locke, & Samel, 2015; on the limitations of labour inspection, see Weil, 2008). Toffel, Short and Ouellet (2015) even point to a broader set of conditions which might influence the equity of private standards: active participation of host states in the ILO regime, stringent domestic labour law, and the existence of free press.

With regards to voice, evidence points towards the considerable shortcoming of codes of conduct with respect to the participation of workers, local union representation and collective bargaining (Kuruville & Li, 2021). For example, based on an analysis of factory audits from the apparel industry, Anner (2012) concludes that standards are much more likely to emphasize minimal standards concerning wages, working times or health and safety than workers' rights to form democratic unions, to bargain and to strike. This finding is confirmed by several studies. Barrientos and Smith (2007) conclude from their analysis of the codes of companies taking part in the UK Ethical Trading Initiative that they play a role in improving

labour standards but do little to change process rights for workers or to challenge commercial practices that may reproduce poor labour standards in global supply chains. Looking at the Turkish apparel industry, Kocer and Fransen (2009) find positive impacts of codes of conduct on working conditions under specific conditions but find no impact on the right to freedom of association. Locke (2013) concludes from case studies and audit analyses in several industries that the capacity building approach, although it has positive effects for working conditions, does little to improve distributive issues and labour rights. On a positive note, Bird, Short and Toffel (2019), studying audit process data from one social audit firm, demonstrate the basic potential of union involvement in improving supplier auditing and monitoring, and Tulder, Wijk and Kolk (2009) show that the degree of union involvement in an MNC is key to explaining its compliance with health and safety standards formulated in its code of conduct.

Multi-employer standards

One way to improve the shortcomings of single MNC private codes is to rely on institutionalised standards and methods of third-party monitoring (Beck & Walgenbach, 2005). This is reflected in *multi-firm-initiatives* in which firms collaborate to monitor socio-technical, accounting or rights-based standards within an industry.

Socio-technical standards are applied by many businesses following the standards of the International Organization for Standardization (ISO), especially in the area of quality (ISO 9001: 2015), environmental issues (ISO 14001: 2015) and health and safety (ISO 45001: 2021 OHSAS 18001). For accreditation, companies must demonstrate that standard processes and practices are observed and that respective organizational responsibilities have been created. These standards have been reported to uphold some basic labour standards by preventing deadly accidents, work-related illnesses, and also environmental damage (for quality standards see Lim & Prakash, 2017). However, while they establish minimum standards in some areas, especially occupational health and safety, they do not cover a comprehensive set of labour rights and do not provide independent voice for workers.

As for accounting standards, the situation has improved over the last two decades, especially due to the support of state regulation for business transparency. For example, the Global Reporting Initiative (GRI) issues various accounting standards for sustainability reporting. Based on the distinction between the social, economic and environmental pillars of sustainability, such standards concern how compliance with labour standards such as collective bargaining, social security (GRI400), but also the dealings with subcontracting units (GRI204) should be communicated. However, Fransen and LeBaron (2019) criticize large accounting and legal firms for supporting companies in their ambitions to water down reporting requirements. This echoes the urgent question posed by Coffee (2006) on who controls the auditors and certifiers if they have incentives to collaborate with the organizations that they should certify. As a result, accounting standards cannot provide for equity as a stand-alone instrument. Much is left to how the obtained information is processed.

In the area of rights-based standards, no standard has yet been developed from within the business world that would match those in the sphere of socio-technical and accounting standards in detail or ambition. Within the ISO domain, the ISO26000 on social responsibility is worth mentioning, but it functions predominantly as a guideline for meeting the societal expectations of corporate stakeholders in the strategic management process (e. g. Hahn, 2013). The ISO26000 standard was negotiated by a work group encompassing a variety of stake-

holders (consumers, government, industry, labour, NGOs, and others) from over 100 countries, providing it with a particularly high legitimacy compared to other CSR measures (Helms, Oliver & Webb, 2012). Hence, voluntary rights-based standards can potentially provide more voice and equity compared to socio-technical and accounting standards, but their potential in that area is restricted to an indirect form of voice on how to manage participation rather than including workers' independent voice upfront.

Multi-employer initiatives

Some authors discuss the potential of *multi-stakeholder initiatives (MSI)* that include several employers and organizations such as NGOs and trade unions as a way to mitigate the downsides of private codes and standards (Baumann-Pauly, Nolan, Heerden, & Samway, 2017; O'Rourke, 2006). MSIs, however, have their own complexities and can be seen as a hybrid form mixing employer-centred as well as transnational industrial relations features; the latter especially where unions act as co-founding members of such initiatives, for example, the ethical trade initiative (ETI) with the ETI code to pursue improvements of workers' rights (Barrientos & Smith, 2007; for more details on the latter see the next subchapter). Of course, this pinpoints how the boundaries between our analytical categories are blurred in practice, especially where many actors are involved to varying degrees. Further examples are the Fair Labour Association (FLA), which is driven by American universities and NGOs and sets standards monitored by external audits, and the Social Accountability International (SAI) initiative, which has developed the SA 8000 standard to promote labour rights (Baumann-Pauly et al., 2017, Fransen, 2012). Nevertheless, here we want to emphasize a variety of MSIs that do not necessarily include trade unions but might be shaped and supported by other groupings like business-oriented associations or consumer groups (see Waddock, 2008 for an overview). Even where such initiatives focus on (collective) labour rights, they clearly differ from transnational industrial relations agreements, in which trade unions exert collective representation rights and collectively bargain for labour standards. In contrast, MSIs without this feature – like other forms of employer-centred regulation – presuppose employers' goodwill. An example of such an employer-driven MSI is the Responsible Business Alliance Foundation, an NGO that supports a large industry coalition on corporate social responsibility in supply chains.

There are several reasons to expect positive effects of collaboration among multiple employers in such initiatives (Alexander, 2020; Oka, 2016): It creates common standards for parts of an industry, it can produce better and more transparent information on labour standards and compliance among employers in lead firms, and it can give suppliers, who work for several lead firms, stronger incentives to adhere to standards and not to be confronted with different standards from different firms. Lee, Mellahi, Mol and Pereira (2020), for example, investigate why and how collaborative initiatives by buyer firms might be an effective approach. In an exploratory study of the garment sector, they conclude that MSIs can lead to better solutions than single firm codes in supply chains with complex supply structures and high numbers of suppliers for two reasons: first, buying firms can share critical information about suppliers, and second, suppliers become more dependent and therefore more willing to implement standards. In this way, involving more buying firms creates advantages compared to single-firm codes in terms of efficiency and equity. However, as a study about the global cotton industry reveals, MSIs are affected by some of the inherent management tensions

plaguing single firm codes of conduct, such as the trade-offs between coverage and stringency of standards and between supplier auditing and supplier capacity-building (Riisgaard, Lund-Thomsen, & Coe, 2020).

3.3 Transnational industrial relations agreements

Given the various shortcomings of state-centred and employer-centred regulation, the involvement of unions and local workers bears the potential to lift global labour standards. Their key characteristic is that they involve unions, in particular global union federations (GUFs), as key actors. Such transnational industrial relations agreements (TIRAs) include *global framework agreements* (GFAs) involving one MNC as well as *multi-firm transnational industrial relations agreements*, which include several MNCs as signatories.

Global framework agreements

GFAs are bilateral agreements between an MNC and one or more GUFs which relate to basic labour rights in accordance with ILO core labour standards such as freedom of association and collective bargaining, employment conditions (e.g. wages, working time), working conditions (e.g. health and safety), and more recent issues such as sexual harassment within signatory corporations and their supply chains. Today, estimates oscillate between 110 and 130 functional GFAs, i.e. those agreements connected to an identifiable practice of implementing their rules, which have been signed in the last 25 years (Hadwiger, 2018). This compares with about ~103,000 MNCs (UNCTAD, 2011). The majority of GFAs have been signed by the central management of MNCs headquartered in the EU and two GUFs, IndustriALL Global Union and UNI Global Union (Papadakis, 2011). Hence, GFAs are an instrument whose use is rare and only slowly increasing. Not all GUFs see the negotiation of GFAs as a strategic priority (Anderson, 2015). Nevertheless, signatory MNCs of GFAs command over supply chains that count 6 million direct employees, their wider supply chain not included (ILO, 2016; Papadakis, 2011). For GUFs, GFAs are a company-related attempt to uphold ILO norms, regulate global labour relations and provide a space for negotiating working conditions throughout the operations of an MNC's production network (Helfen & Fichter, 2013).

Several aspects must be considered when discussing the efficiency of GFAs. In terms of the outcome and process orientation, GFAs vary in their "substantive regulations" (i.e. standards) and their "procedural regulations" for resolving conflicts. If the procedures contain implementation and conflict resolution processes, this can contribute to setting new standards (see also Hadwiger, 2018). Helfen and Sydow (2013) show that these procedures and implementation policies differ by MNC approach and unions' capacities to network, share information and monitor implementation. Oftentimes, GUFs have few resources available for monitoring through trade union networks and global steering bodies. As a result, the implementation of GFAs depends on corporate resources or on bodies like European Works Councils (EWC) or World Works Councils (WWC) where these are present (e.g. Papadakis, 2011; Krzywdzinski & Schröder, 2017).

A recent study finds that local compliance with GFA provisions is effectively monitored if GUFs exchange knowledge with local unions (Barreau, Havard, & Ngaha Bah, 2020).

Similarly, Thomas (2011) argues that episodes of successful organizing at IKEA, Daimler, Chiquita and Accor can be explained by the interplay of global and local unions which is stimulated by GFAs. These examples support the argument of William, Davies and Chinguno (2015) that, if GFA is to have real impact, its negotiation is merely the starting point for multilevel activities on the labour side. In sum, GFAs can be efficient especially with respect to the provision of labour voice; and labour voice is an important precondition for improving working conditions (Harvey, Hodder, & Brammer, 2017).

The equity dimension of our framework has been rarely studied explicitly so far, but several studies highlight how the GFAs diverge in terms of their substantive scope and coverage. While 80 percent of such agreements refer to the global supply chain, the other 20 percent do not include such a reference (Hadwiger, 2018). Those agreements that do extend the defined guidelines to suppliers and contractors (Papadakis, 2011) define a variety of possible sanctions in the event of non-compliance (Hadwiger, 2017). This touches upon the important issue of the effects of GFAs on working conditions and workers' rights at the local level in subsidiaries and supplier factories. Case study findings point in different directions with a more critical view prevailing on balance (e.g. Coleman, 2010; Krzywdzinski & Schröder, 2017; Bourguignon et al., 2020). For example, Niforou (2012) finds no effects of GFAs on local union recognition for collective bargaining in a Spanish MNC operating telecommunication facilities in Latin America – a clear limitation in equity. Fichter and McCallum (2015) present two cases from property services that hugely differ in coverage: In one MNC, the GFA is actively promoted in local initiatives in countries like India and South Africa, whereas in the other, the GFA is used to foster the relationship between headquarter level actors. In summarizing their extensive case study research, Sydow, Fichter, Helfen, Sayim and Stevis (2014: 491) recount single cases where a GFA has been used to improve local standards, but conclude that the enforcement of GFAs at the local level remains a major challenge.

Because GFAs directly provide voice options for workers and unions, they constitute a space for social dialogue which is more participative and responsive to workers who directly experience labour standard violations, compared with codes of conduct, for example (e.g. Donaghey et al., 2014; Sydow et al., 2014; Lévesque et al., 2018). At the same time, committees and interest representation structures may also support central management in steering subsidiaries (Bourguignon et al., 2020). Like the findings of Fichter and McCallum (2015), this highlights a more general question regarding voice in the context of MNCs and global production: whose voice is to be articulated and mobilized? For example, Sarkar and Kuruvilla (2020) examined two GFA-related campaigns involving two service MNCs in India and show that local improvements such as collective bargaining recognition for unions can be achieved even if campaigns do not result in the signing of a GFA.

Multi-firm transnational industrial relations agreements

Multi-firm transnational industrial relations agreements are agreements between several MNCs and GUFs, and partly with governments, NGOs and local unions, aimed at anchoring global norms like human rights and labour rights (Ashwin et al., 2020). Such multi-firm TIRAs are distinct from business initiated MSI in that labour is a central actor in the negotiation, monitoring and implementation of the agreement. The most famous example of a multi-firm TIRA is the Accord on Fire and Building Safety in Bangladesh (Bair, Anner, &

Blasi, 2020; Barrett, Baumann-Pauly, & Gu, 2018). The Accord was completed in 2013 shortly after the collapse of the Rana Plaza building, which had caused 1,133 deaths and numerous injuries. The first agreement was signed by over 220 companies, IndustriALL Global Union and UNI Global Union as well as national trade unions in Bangladesh and was renegotiated 2018 with the aim to increase safety and health in the ready-made garment industry in Bangladesh. In contrast to many other MSIs, the Accord is legally binding (Kabeer, Huq, & Sulaiman, 2019). Another example is the Action Collaboration Transformation (ACT) initiative, which is an agreement between 21 global brands, retailers and IndustriALL in the garment and textile industry. In this TIRA, the sector commits to improving living wages through collective bargaining at industry level and through changes in purchasing practices. Unlike the Accord, ACT also contains rights of association, but is not legally binding.

Efficiency of the monitoring and conflict resolution process depends on the negotiated content of the multi-firm TIRAs. In the case of the Accord, safety inspections are carried out by expert personnel, based on internationally recognized standards of occupational safety. In total, inspections were carried out in over 2,000 factories during the five-year period and almost all deficiencies identified were corrected. In addition, 40 companies were closed because they did not meet the safety requirements and were unwilling to fulfil them (Khan & Wichterich, 2015). Furthermore, training on occupational safety took place in numerous factories (Ahlquist & Mosley, 2020). However, there is criticism that the measures to improve building security have progressed too slowly (James, Miles, Croucher, & Houssart, 2019). Disputes are heard by a binding arbitration tribunal (United Nations Commission on International Trade Law – UNCITRAL) and conflicts can also be decided by the courts if consent is not reached, which gives considerable power to the trade unions. In addition, ACT includes various complaint mechanisms and also a mechanism to monitor brands' purchasing practices (Ashwin et al., 2020).

However, the literature is mixed on the Accord's potential impact regarding the enforcement of labour and human rights. On the one hand, authors like Scheper (2017b) and James et al. (2019) infer from the high number of inspections that there have been improvements in building safety in Bangladesh. On the other hand, the power imbalance between buyers and manufacturers has not shifted, so that buyers continue to dictate labour and human rights (see also Khan & Wichterich, 2015). Their power is actually further cemented by the acceptance of existing supply chain management practices (Scheper, 2017b). The efficiency of such an agreement probably depends, therefore, on the extent to which companies are willing to participate in such initiatives and provide resources for implementation as well as the level of government support and the pressure from the public (James et al., 2019; Ahlquist & Mosley, 2020). Transparency of the monitoring and implementation process is positively evaluated because of the publication of the inspection reports and the planned measures (Rahman, 2014; Khan & Wichterich, 2015).

With respect to equity, the Accord is criticized, compared to other MSIs such as the ETI, for focusing only on one industry in one country (Oka et al., 2020). In addition, the agreement was not signed by all companies in the sector, as it went too far for some companies due to its legally binding character. Instead, some North American companies founded an alternative MSI, the Alliance (Anner, Bair, & Blasi, 2013; Ahlquist & Mosley, 2020), so that there was the fear that both initiatives would compete with one another and lead to a race to the bottom; this, however, has not been confirmed (Fransen, 2012; Donaghey & Reinecke, 2018). With

regard to the depth of regulation, the GUFs were able to articulate far-reaching demands to the brands and retailers (Scheper, 2017b), but there is also criticism that the Accord only concentrates on topics such as occupational safety (and here not extensively enough) and does not include more far-reaching topics such as the right to freedom of association and working time limitations (Anner et al., 2013; Ahlquist & Mosley, 2020). The scope of the Accord is also viewed critically, as only second-tier factories of MNCs are addressed, so that neither the entire sector nor the entire supply chain is covered (Khan & Wichterich, 2015). However, these are still 1,800 companies and about 2 million employees, so that a significant proportion of the sector is covered (Anner et al., 2013).

Regarding voice, unions are part of the governance structure of multi-firm TIRAs and can participate in the initiatives and join negotiations. In the case of the Accord, brands, retailers, NGOs, intergovernmental organizations and GUFs were all involved in negotiating (Ahlquist & Mosley, 2020). In addition, international NGOs and civil society campaigns (e.g. the Clean Clothes Campaign), have appeared as witnesses at the negotiations, while the ILO acts as the independent chair of the agreement (Khan & Wichterich, 2015; Donaghey & Reinecke, 2018). Furthermore, the Accord Steering Committee includes workers' representatives as "fully equal and empowered participants" (Anner et al., 2013: 28). Moreover, in addition to transnational unions, local trade unions can participate in employee training and are represented in the mandatory health and safety committees (Rahman, 2014). According to Donaghey and Reinecke (2018), the Accord thus contains basic elements of industrial democracy and might also work as a "shadow of protection" for local worker activists (Zajak, 2017).

4 Discussion and conclusion

We distinguished three types of instruments for governing labour standards: state-centred regulation, employer-centred regulation and transnational industrial relations agreements. We discussed these instruments' contribution to the governance of global labour standards and found that each instrument has some merits with respect to the three criteria of efficiency, equity, and voice. State-led regulation is efficient if it sets hard norms that must be implemented, such as ex ante conditionality clauses in trade agreements, or if it defines clear process norms for capacity building, such as the US-Cambodia agreement. However, equity is limited by the confined scope of countries signatory to the agreements, and voice is rarely provided in the formulation of agreements, but may be more prominent in their implementation if unions are active in monitoring.

Employer-centred regulation has the potential for greater efficiency and equity if it spans complex value chains. Especially multi-employer initiatives set common labour standards for suppliers, even though they are obviously confined to the suppliers of lead firms that have committed themselves to such voluntary agreements. Depending on the quality of their auditing procedures, employer-centred regulations may protect labour standards at many supplier companies. However, efficiency is limited by uncertainties about whether and how disputes are settled in case of standard violations. Equity is limited as improvements in labour standards are confined to narrow areas such as health and safety, and voice provision is rather low.

TIRAs, finally, increase efficiency if local unions exist which can monitor compliance with labour standards at the level of subsidiaries, suppliers, and subcontractors. Both the possibility that several levels of union organization are involved and the more binding nature of negotiated standards are beneficial to improving working conditions. However, TIRAs are limited with respect to equity because to date, they are confined to a relatively small number of MNCs and are rarely implemented across the complex value chains characteristic of global production networks which already put, for their management, high demands on organizational capabilities (Lohmeyer & Sydow, 2021). With respect to voice, however, TIRAs have the strongest impact; unions are included in the governance of standards, and there are several cases in which the agreements have created opportunities for local union building, which ensures local implementation of labour standards.

Our analysis reveals that each type of instrument on its own is too weak to provide adequate protection of labour rights. This goes some way to explain why we see a paradoxical gap between a proliferation of policy instruments and persistent labour rights violations. Overall, we identify three decisive limits: (1) in practice, the instruments in place are far from global in scope, as many transnational value chains or parts of value chains are not included; (2) the instruments do not instantly combine (at least, not without further agency) into an integrated whole, but are separate and internally fragmented sub-arenas; and (3) the instruments do not routinely provide protection to those workers affected most on the ground. The emerging picture of the governance of global labour does not have clear contours. Depending on one's viewpoint it is either a picture in which national governments are too weak to stem the tide of globalization, declining unions cannot defend their veto positions, and MNCs may choose to voluntarily adhere to global labour standards; or it is a picture in which each type of policy instrument discussed here bears the potential to contribute to the upholding of global labour standards, at least compared to a hypothetical state of a globalised world without transnational labour regulation.

From an industrial relations perspective, this begs the question of whether more and different types of regulation are needed or whether a combination of existing instruments will improve this situation. Abstaining from drawing premature conclusions from messy and contradictory empirical evidence, we nevertheless propose elementary building blocks for improving the governance of global labour standards:

(1) Global value chains or networks pose unique challenges for the enforcement of labour standards through the traditional instruments of industrial relations such as union organizing and collective bargaining (Anner et al., 2013; Coe & Jordhus-Lier, 2011; Lakhani, Kuruvilla, & Avgar, 2013). This is because cross-border economic activity within firms' supply networks involves multiple institutional jurisdictions in labour law, includes a plurality of economic governance forms (market, hierarchy and network), often crosses sectoral demarcations, and concerns workers with huge disparities in their possibilities for the expression of voice. Under such conditions, an opening up towards social movement type of organizations such as NGOs and civil-society organizations (CSOs) may help broaden the dialogue on labour issues in the supply chain (Zajak, Egels-Zandén, & Piper, 2017).

(2) Global supply chains and networks constitute multi-level, multi-actor arenas in which heterogeneous actors – local workers and unions, buying firms and suppliers, and state actors – articulate their interests at local, national and supra-national level (Fichter, Stevis, & Helfen, 2012; Haipeter, Hertwig, & Rosenbohm, 2019). Hence, even gradual and piecemeal improvements in the instruments will take time as they are negotiated between different actors in

different arenas; however, in the end they could make a difference. Toward this end, it would be helpful to explore more common ground between the parties involved, for instance by emphasising the importance of working conditions and labour relations along global supply chains for the reliability and resilience of global production networks (Sydow, Schübler, & Helfen, 2021).

(3) The theoretical debate about complementarity warns us against simply adding up a heterogeneous set of instruments in one political domain to yield some sort of enlarged effect for an entire system (for an overview on the different views of complementarity see Crouch, 2010). Nevertheless, based on our analysis, the interlinkages between different instruments and how these enhance or block the enforcement of global labour standards in global supply chains are of central concern. A first consideration refers to the interlinkage between the ILO or OECD standards on the one hand and employer-centred regulation and transnational industrial relations agreements on the other. The second is the general inclusion of voice mechanisms in all sets of instruments we have discussed. Although designed as conventions that are to be implemented by states, the ILO standards can be – and actually are – taken as norms of reference for the voluntary initiatives of MNCs and negotiations between MNCs and GUFs. The value of such public-private partnerships is demonstrated by the case of the US-Cambodia trade agreement and can be explored with regards to employer-centred initiatives around more recent efforts to install a business strategy of human rights. However, the potential role of the ILO as a mediator for disputes about labour standard violations in supply chains is currently neglected. This is surprising because the ILO's tripartite structure is highly suitable for handling such conflicts, especially if there were changes in the legal possibilities to file cases against MNCs from abroad (joint liability). Similarly, a strengthening of OECD contact points for negotiating problems – also by deepening the collaboration between the OECD and the ILO as international bodies – can also be an important building block. If monitored and sanctioned in a process which prominently involves unions, then, a transnational social dialogue might emerge in which labour standards develop greater transnational normative power. However, alliances are shifting and dynamic. Hence, positive spill-over effects cannot be taken for granted. For example, Ashwin et al. (2020) discuss positive spill-over effects between union-inclusive arrangements on the one hand and the formation of new TIRAs on the other, whereas developments around the Accord also show how transnational union-inclusive arrangements can be undermined by government and industry actors on national and local levels (Bair et al., 2020).

(4) In the regulation of global labour standards, the action or non-action of various state authorities is key for understanding why violations occur or not. Hence, the state deserves more attention in the industrial relations literature on the governance of global labour standards in supply chains. One important area for study is how the state can forge regulatory instruments such as mandatory due diligence by facilitating a collaborative space for both parties of the employment relationship.

(5) Multi-party social dialogue could be enhanced (Lévesque et al., 2018). For example, GFAs could be improved by routinely extending their provisions to more distant parts of the supply chain. This could happen through the negotiation of additional implementation agreements in relevant locations. In that process, GFAs could develop from one-shot agreements into a system of agreements, and could become a stepping stone for sectoral or regional negotiation and regulation.

(6) The validity of known mechanisms cannot be assumed but needs to be tested. For example, Pries and Seeliger (2013) have argued that two mechanisms could potentially contribute to the formation of a global labour regime: (1) the re-embedding of labour as a countermovement against neoliberal globalization in the sense of Karl Polanyi on the one hand and (2) the neo-institutionalist idea of imitating norms to increase legitimacy on the other. From an industrial relations perspective, we would emphasize that the first appears to have much more relevance for overcoming the current situation than the latter, but for this to happen, processes and practices of “institutional work” (Lawrence & Suddaby, 2006) need to be studied more closely to understand the struggles about who formulates, monitors, enforces, circumvents or undermines which labour standards (see Helfen & Sydow, 2013).

Our mapping of the policy instruments regulating global labour standards has several limitations. First, by focusing on the policy instruments themselves, we have paid little attention to the embedded practices and processes in which actors engage in institutional work for finding strategically new and better solutions. Second, we have not covered all instruments. For example, we did not cover public procurement policies, recent debates around mandatory due diligence, or civil society’s push for global labour standards beyond the workplace. All these trends are, however, in a rather early stage of development, making it difficult to assess their potential impact, especially in bringing about a comprehensive, complementary system of labour standards governance. More research is warranted for increasing our understanding of how different instruments might combine into an effective system for the governance of labour standards along global value chains. From our industrial relations viewpoint, such a system would entail strengthening labour voice locally to realize the potential of negotiated solutions.

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