

**Pathways to Global Employee Voice: Analysis of Three Company
Case Studies in the Metalworking Sector**

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Anastasia Alexeeva

School of Business and Management

Declaration of Authorship

I, Anastasia Alexeeva, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed: Anastasia Alexeeva Date: 02.09.2020

Dedication

Папе, Маме, моей Сестренке и Бабушке. Спасибо, что несмотря на расстояние вы
всегда рядом.

Посвящается моей Бабушке, Лидии.
1941-2020.

To Dad, Mom, my little Sister and my Grandma. Thank you for always being there for me
despite the distance.

Dedicated to my Grandma, Lidia.
1941-2020.

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Abstract

This thesis focuses on the operation of global enterprise-based worker bodies in three multinational companies in the metalworking sector: a World Works Council (WWC), a World Union Council (WUC) and a Global Trade Union Network (GUN). It aims to provide an understanding of their formation, functioning and effectiveness against the complex institutional and cultural background to employee representation at global level.

The study uses the concept of ‘regulatory space’ to frame these bodies theoretically and to evaluate the internal and external factors that determine their ability to give expression to global employee voice. Moreover, this framework helps to explain how new actors emerge and expand their regulatory space, while traditional actors acquire or lose space. This thesis proposes a more fluid approach to regulatory space that moves beyond rigid categorisation of fragmented levels and domains of regulation. In doing so, it contributes to the debate on regulatory space, as well as expands the knowledge of global employee voice.

The findings demonstrate that global worker bodies are effective in providing communication channels for employees, building cooperation between trade unions and improving dialogue between employees and management. However, their consultation role is limited. Global strategies implemented by employers and economic globalisation are having a progressive effect on the employees. To adequately respond to global capital movements and corporate restructuring, labour needs to adopt a global strategy in order to match the reach of global capital. This thesis presents one such strategy – creation of global worker bodies in multinational companies.

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List of Abbreviations

ABSA	ABB, Bombardier, German-Co and Alstom
AFL-CIO	American Federation of Labour – congress of Industrialised Organisations
AUCCTU	All Union Central Council of Trade Unions
BWI	Building and Wood Workers International
CEEP	European Centre of Employers and Enterprises providing Public Services
CEO	Chief Executive Officer
CIO	Congress of Industrial Organisations
CIS	Commonwealth of Independent States
CNM/CUT	Confederação Nacional dos Metalúrgicos
CNTM	Confederação Nacional dos Trabalhadores Metalúrgicos
CSR	Corporate social responsibility
EAEA	European Arts and Entertainment Alliance
ECS	European Company Statute
EEA	European Economic Area
EFA	European Framework Agreement
EFBWW/FETBB	European Federation of Building and Woodworkers
EFFAT	European Federation of Food, Agriculture and Tourism Trade Unions
EFJ/FEJ	European Federation of Journalists
EI	Educational International
EPSU	European Federation of Public Service Unions
ETF	European Transport Workers' Federation
ETUC	European Trade Union Confederation
ETUCE/CSEE	European Trade Union Committee for Education
ETUI	European Trade Union Institute
EU	European Union
EUROCOP	European Confederation of Police
EWC	European Works Council
GUF	Global Union Federation
GUN	Global Trade Union Network
HQ	Headquarters
IAEA	International Arts and Entertainment Alliance
IAM	International Association of Machinists and Aerospace Workers
IBEW	International Brotherhood of Electrical Workers
ICE	Information and Consultation

IFA	International Framework Agreement
IFJ	International Federation of Journalists
ILO	International Labour Organisation
IMEC	International Maritime Employers' Council
IMF	International Metalworkers' Federation
IndustriALL Europe	IndustriALL European Trade Union
IndustriALL Global	IndustriALL Global Union
ITF	International Transport Workers' Federation
ITUC	International Trade Union Confederation
IUE-CWA	International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers - Communications Workers of America
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
Ltd	Limited company
MBL	Act on Co-determination at Work
NGO	Non-governmental organisation
NI	New institutionalism
OECD	Organisation for Economic Co-operation and Development
PSI	Public Services International
SE	European Company Statute
SEF	German-Co Employee Federation
SNB	Special Negotiation Body
SWU	German-Co Workers Union
TUAC	Trade Union Advisory Committee to OECD
TUC	Trade Union Congress
TUI	Trade Union International
UAW	United Auto Workers
UK	United Kingdom
UN	United Nations
UNI	Union Network International
UNICE	Union of Industrial and Employers' Confederations of Europe
UNI-Europa	European Trade Union for Services and Communication
UOM	Unión Obrera Metalúrgica
US	United States (of America)
USW	United Steelworkers of America
WCL	World Confederation of Labour

WFTU	World Federation of Trade Unions
WUC	World Union Council
WWC	World Works Council

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Translations

<i>Administrateurs représentant les salariés</i>	Board level employee representation
<i>Arbetsplatsombud</i>	Union representative
<i>Aufsichtsrat</i>	Supervisory board
<i>Betriebsrat</i>	Works council
<i>Comité d'entreprise</i>	Works committee
<i>Comité de groupe</i>	Group committee
<i>Comité de Groupe French-Co</i>	French-Co World Works Council
<i>Comité d'hygiène de sécurité et des conditions de travail</i>	Committee on health, safety and working conditions
<i>Comité économique et social</i>	Social and economic committee
<i>Confédération internationale des syndicats chrétiens</i>	International Confederation of Christian Trade Unions
<i>Délégués du personnel</i>	Employee delegates
<i>Délégués syndical</i>	Trade union delegates
<i>Délégation unique du personnel</i>	Unique workforce delegation
<i>Fackliga klubbar</i>	Local union 'club' or committee
<i>Modell Deutschland</i>	German model (of industrial relations)
<i>Représentant de la section syndicale</i>	The representative of the union
<i>Saltsjöbaden</i>	Locality in Nacka Municipality, Stockholm County where the Master Agreement was signed
<i>Sections syndicales</i>	Trade union section
<i>Tarifverhandlingar</i>	Collective bargaining
<i>Utvecklingsavtalet</i>	The Development Agreement (Agreement on Efficiency and Participation)

Chapter 1 Introduction

The central focus of this thesis is on global worker bodies: Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs). The primary aim is to identify and analyse these bodies in three company case studies, providing an understanding of their formation, functioning and effectiveness against the complex institutional and cultural background to employee voice at the global level. The concept of ‘regulatory space’ is used to frame these global worker bodies theoretically and identify the global context of employee voice. This chapter presents an overview of the main themes of the thesis, providing a synopsis of the context of the research and an outline of the regulatory space theory. In addition, this chapter provides a discussion of the concept and purpose of employee voice, employment relationship, power distribution and interests. Following this, this chapter explains how the effectiveness of global worker bodies in providing employee voice is going to be assessed. The final part of the chapter highlights the evolution of the PhD, its main aims and objectives.

1.1 Setting the scene – global scale

Global management strategies and increased global competition are having a progressively direct effect on employees, bodies of employee representation and trade unions, challenging national systems of industrial relations. The increasing internationalisation of companies, accompanied by restructuring activities, leads to a greater capacity of companies to shift production from one country to another. By moving or threatening to move production, multinational companies have brought the competitive pressure of unorganised workers to bear on the international labour movement, weakening labour’s bargaining power and encouraging a ‘race to the bottom’ in wages, working conditions and employer practices (Silver, 2003:4). For labour, the central issue of globalisation is the increasing disparity between the mobility of capital and labour (Blyton et al., 2001). Therefore, a global labour strategy is a necessary response to match the reach of global capital (Burgmann, 2016).

Such a view of the relationship between labour and capital is certainly not new. Wills (1998:112) describes it as ‘something of an orthodoxy’ due to the popularity of this view in academia. Levinson (1972), in his seminal work ‘International Trade Unionism’, argues that the trade unions need to develop international collective bargaining within multinational companies. Despite the issues that globalisation is creating for the labour, it also develops a basis for international working-class solidarity. It provides the basis for labour movements in both developing and developed countries to form more meaningful linkages, while making it necessary for them to do so (Burgmann, 2016). In 2003 a special issue of the European Journal of Industrial Relations on labour movement revitalisation outlined that changing economic conditions such as intensification of capital mobility and trade competition, were transforming unions, which respond by re-forming themselves and developing their

efforts as political actors, beyond traditional roles as labour market intermediaries (Baccaro et al., 2003:128).

In parallel with capital globalisation new dynamics of cross-border labour regulation has emerged during the last decades (Pries and Seeliger, 2013). There are two main approaches that can be identified. First approach refers to the intensification of political lobbying activities in order to establish a social framework at the global level. It takes the form of the Global Union Federations' cross-border activities, negotiation of the International Framework Agreements, adoption and promotions of the ILO Core Labour Standards and the OECD Guidelines for Multinational Enterprises. Second strategy is the creation of worker bodies embracing all sites of the multinational company. It involves the creation of company-level bodies: European Works Councils (EWCs) at the EU level, and Global Trade Union Networks (GUNs), World Union Councils (WUCs) and the World Works Councils (WWCs) at the global level.

At the European level negotiation activities can draw on higher level of institutionalisation of industrial relations. For instance, the adoption of the EWC Directive in 1994 has enabled a substantial number of European Works Councils (EWCs) to be established. Moreover, with the enlargement of the European Union and recast of the Directive in 2009 the scope of the employee representation framework has spread. Nonetheless, given the speed of corporate internationalisation, the EWCs can only represent an intermediate step (Rüb, 2002).

At the global level, in the light of lack of the limited capacity for political regulation, self-regulation initiatives (the voluntary initiatives by the actors in the regulatory space) are gaining importance (Telljohann et al., 2009a). Voluntary (or self-) regulation can be summarised in six main categories: (a) management-driven initiatives, such as Codes of Conduct and business ethics statements; (b) public-private initiatives such the United Nations (UN) Global Compact or the Better Work Programme of the International Labour Organisation (ILO); (c) International Organisation for Standardisation guidelines such as the social responsibility ISO 26000 proposed for management adoption; (d) multi-stakeholder proposals such as those in the context of the Ethical Trade Initiative; (e) negotiated labour-management agreements such as the European Framework Agreements (EFAs) and the International Framework Agreements (IFAs); and (f) negotiated labour-management agreements to create global worker bodies at the company level, such as the Global Trade Union Networks (GUNs), World Union Councils (WUCs) and the World Works Councils (WWCs) (Papadakis, 2011). The present thesis primarily focuses on the fifth (e) and sixth (f) categories of voluntary regulation.

1.1.1 International and European Trade Union organisations

To present the global picture of labour organisation, discussion starts with a brief overview of international trade unionism. The Global Union Federations' (GUFs) predecessors are the International Trade Secretariats (ITSs), the first of which was founded in 1889, and whose number had increased to over 30 by 1914 (Bendt, 1996). The first attempts to create international associations of workers were made in 1870s but the key developments came in 1889-1890 when the highly skilled craft trade unionists together with miners and textile workers organised international organisations. The creation of these first ITSs was a result of increasing number of trade unions, especially in western Europe and an outbreak of strikes. Moreover, the Congresses of the Second Socialist International provided an opportunity for labour officials from different countries to meet and discuss common issues with leaders of other trade unions in the same trade or industry (Segal, 1953).

The First World War disrupted the activities of ITSs (Segal, 1953; Windmuller, 1991). Before the First World War and again in the late twenties, a key role in ITSs was played by the German unions, which were the most organised in Europe. In 1913, 27 of 32 ITSs had their seat in Germany (Rütters, 2001), as it was the country with the most organised socialist movement, largest unions and central location (Windmuller, 1991).

The limitations of international solidarity became apparent at the start of the First World War, which interrupted the development of the international labour organisations. Most associations had been integrated in the national war coalitions and were prepared to support the mobilisation in their countries (Rütters, 2001). After the First World War, there was a significant upturn in their membership and significance (Segal, 1953). Between April 1919 and August 1921, 29 ITSs were created (van Goethem, 2000). In 1919 the International Federation of Trade Unions (IFTU) has been developed from the transformation of the national trade union centres, which were linked together from 1903 by the International Secretariat of Trade Union Centres. In 1920 the *Confédération internationale des syndicats chrétiens* (International Confederation of Christian Trade Unions) was created, which in 1968 became the World Confederation of Labour (WCL) (Segal, 1953; Windmuller et al., 2014).

Some ITSs ceased to function with the rise of Hitlerism and all of them suffered the consequences of the Second World War. A key exception was the International Transport Workers' Federation (ITF), whose affiliates in railroading and maritime were among the most organised trade unions. The seafarers, due to the nature of their work, were also internationally focused, which was another key factor. The ITF was able to continue to function during the Second World War, as it has moved its headquarters from Amsterdam to London a few days before the outbreak of war in 1939 (Segal, 1953). After the Second World War, there was a significant international trade union movement re-

establishment and amalgamation. The role played by the Soviet Union in the war was one of the factors that reshaped the international trade union movement (Windmuller, 1991). A large number of trade union federations in the Allied countries joined together to establish the World Federation of Trade Unions (WFTU). The WFTU was set up in October 1945 to replace the International Federation of Trade Unions. It was intended as a major step towards international trade-union unity and solidarity, especially between its most influential affiliates, the British Trade Union Congress (TUC), the American Congress of Industrial Organisations (CIO) and the All Union Central Council of Trade Unions (AUCCTU) of the Soviet Union (Carew, 1996). However, tensions caused by the developing cold war and mutual suspicions harboured by communist and non-communist trade unions began to destabilise the WFTU. In December 1949, most of the ‘Western’ trade union centres withdrew their support and formed the International Confederation of Free Trade Unions (ICFTU), which developed from a split within the WFTU (Gumbrell-McCormick 2000). The ITSs experienced growth in membership with the advent of decolonisation in developing countries after the Second World War. Despite the increase in activity of ITSs (Bendt, 1996:23), they remained highly bureaucratised, acting as ‘little more than disseminators of information’ and a ‘channel for resources’ (Davies and Williams, 2006:2). From 1973 most European affiliates of the ICFTU and the WCL had joined the newly created the European Trade Union Confederation (ETUC), which was independent from both international confederations.

It was not until the end of the cold war that the ITSs began engaging in a serious process of renewal (Fairbrother and Hammer, 2005). During this period, growing dissatisfaction with multinationals provided a fertile soil, where coordinated approaches to industrial relations across national boundaries became not only more attractive but necessary. In 2002 ITSs changed their names to Global Union Federations and began initiating a number of amalgamations. Ford and Gillan (2015) identify the 2012 amalgamation of the International Metalworkers’ Federation (IMF), International Federation of Chemical, Energy, Mine and General Workers’ Unions (ICEM) and International Textiles, Garment and Leather Workers’ Federation (ITGLWF) as the most significant.

International trade unionism has been moving to greater unity within the trade union forces worldwide. An important step was the creation of the ITUC in 2006, which marked the end of the international division that had persisted since the early twentieth century between the ICFTU, which has social/social-democratic and general orientation, and Christian unionism, embodied by the WCL (Bourque and Hennebert, 2011). The ITUC was created after a merger of the ICFTU and the WCL in 2006. The amalgamations of the ITSs and their later transformation into GUFs have also been in line with this trend toward unity. Bourque (2008) emphasises that at the sectoral level, the movement can pursue coordinated action to ensure better protection of workers

against multinationals that do not respect human and social rights. However, Bourque and Hennebert (2011) explain that the movement to unite trade union forces internationally has not obliterated the challenges faced by international trade union movement (discussed in more detail in Chapter 2).

In 2019, the ITUC had 332 affiliated organisations in 163 countries and territories (ITUC, 2019). It is a confederation of national trade union centres, each of which links together individual trade unions of that particular country. The Trade Union Advisory Committee (TUAC) to the Organisation for Economic Co-operation and Development (OECD) is an international trade union organisation, which is an arm of the ITUC. It has a consultative status to the OECD. TUAC operates through its Paris-based secretariat. TUAC's origins date back to 1948, when the trade union advisory committee was established under the Marshall Plan. TUAC works closely with the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) and interacts with the World Bank and the International Monetary Fund. On sector specific issues TUAC works with the Global Union Federations (GUFs). It consists of 59 national trade union centres, which together represent 60 million workers in OECD member countries (TUAC, 2016).

The WFTU is also still active nowadays and is based in Prague and in 2016 had 92 million workers from 126 countries (WFTU, 2016). Alongside the ITUC and the WFTU, currently there are nine Global Union Federations (GUFs) (Table 1.1). GUFs are associated with the ITUC but are independent organisations in their own right. Many national unions are members of one or more GUFs, which are relevant to the industries and sectors where they operate.

Table 1.1 Global Union Federations (own compilation based on GUFs' websites)

Name	Date of Foundation	Location of Headquarters	Membership (in 2016-2017)
Building and Wood Workers International (BWI)	December 9, 2005	Geneva, Switzerland	334 trade unions representing 12 million members in 130 countries
Educational International (EI)	January 26, 1993	Brussels, Belgium	30 million in 172 countries and territories
International Arts and Entertainment Alliance (IAEA)	1997 Includes three global federations: The International Federation of	The International Federation of Actors in London, UK	Around 160 unions

	Actors, the International Federation of Musicians, and Media, Entertainment and Arts division of UNI.	the International Federation of Musicians in Paris, France, Entertainment and Arts division in Nyon, Switzerland	
International Federation of Journalists (IFJ)	Established in 1926, relaunched twice in 1946 and 1952.	Brussels, Belgium	600,000 members in 140 countries
IndustriALL Global Union (IndustriALL Global)	June 19, 2012 (via merger of the International Metalworkers' Federation, the International Federation of Chemical, Energy, Mine and General Workers' Unions and the International Textile, Garment and Leather Workers' Federation)	Geneva, Switzerland	50 million workers in 140 countries
International Transport Workers' Federation (ITF)	1896	London, UK	19.7 million members in 670 affiliated unions in 147 countries
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	Founded in 1920 (the International Federation of Tobacco Workers was founded in 1889)	Geneva, Switzerland	12 million members
Public Services International (PSI)	March, 1907	Ferney-Voltaire, France	20 million in 154 countries
Union Network International (UNI)	January 1, 2000	Nyon, Switzerland	20 million

At the European level the European Trade Union Confederation (ETUC) is the major trade union organisation representing workers. The ETUC is a European social partner and the European Commission consults it when developing social and economic policies. Alongside the ETUC, there are ten European Trade Union Federations (ETUFs) (previously European Industry Federations), which are outlined in Table 1.2.

Table 1.2 European Trade Union Federations (own compilation based on ETUFs' websites).

Name	Date of foundation	Location of headquarters	Membership (in 2018)
European Arts and Entertainment Alliance (EAEA)	2001	Brussels, Belgium	Not available
European Confederation of Police (EUROCOP)	November, 2002	Luxembourg, Luxembourg	35 unions in 27 countries, 530 thousand workers
European Federation of Building and Woodworkers (EFBWW/FETBB)	1958	Brussels, Belgium	76 unions in 34 countries, 2 million workers
European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT)	December 2000	Brussels, Belgium	120 unions in 35 countries, 2.6 million workers
European Federation of Journalists (EFJ/FEJ)	1994	Brussels, Belgium	71 journalists' organisations in 43 countries, over 320,000 workers
IndustriALL European Trade Union (IndustriALL Europe)	May, 2012	Brussels, Belgium	180 unions in 38 countries, 7 million workers
European Federation of Public Service Unions (EPSU)	1978	Brussels, Belgium	216 unions in 36 countries, 8 million workers
European Transport Workers' Federation (ETF)	June, 1999	Brussels, Belgium	5 million workers in 41 countries
European Trade Union Committee for Education	1977	Brussels, Belgium	132 unions in 50 countries, 11 million

(ETUCE/CSEE)			members
European Trade Union for Services and Communication (UNI-Europa)	January, 2000	Brussels, Belgium	272 unions in 50 countries, 7 million workers

Trade union internationalism can be viewed as a response to increasing global mobility of capital and internationalisation of product and labour markets (Cotton and Gumbrell-McCormick, 2012). Trade unions lack the capacity to influence corporate policy at the national level and respond by attempting to engage in global organising activities. However, although the GUFs are described as global, this is merely their goal than reality (Croucher and Cotton, 2009). There are major cultural, political and organisation differences between the affiliated unions, which makes it challenging for them to understand each other's positions. Another issue comes from the ambition of the GUFs to recruit unions from the non-OECD countries (not members of the Organisation for Economic Co-operation and Development). These unions have few fee-paying members, which negatively impacts unions' financial resources. Language barrier is another major issue, which creates challenges for effective communication. Thus, GUFs are faced with issues to facilitate cooperation between affiliated unions and to forge common values and priorities for action (Cotton and Gumbrell-McCormick, 2012).

1.1.2 Contemporary international organisations

In addition to the international trade union organisations there are other contemporary organisations at the national, international and global levels (Table 1.3). One of these actors is the International Labour Organisation (ILO), which is a tripartite United Nations (UN) agency, founded in 1919 with an aim to raise labour standards around the world (ILO, 2021). Between 1919 and 2019 ILO created 190 Conventions on topics such as freedom of association, collective bargaining, forced labour, child labour, gender discrimination, social security, working time, and occupational health and safety, which could be ratified by national governments of ILO member countries, and 206 Recommendations. These standards (Conventions and Recommendations) are the guidelines for policies dealing with employee-employer relations. Only Conventions can be ratified to be legally binding on member states, as Recommendations are intended to guide national and international policy (Baccaro and Mele, 2012). Once a standard is adopted, countries are required to submit it to their governments for consideration. If ratified, a Convention comes into force for that member state. Ratifying countries are expected to apply the Convention in national law and to report on its application at regular intervals. If they do not, the ILO has no legal authority to intervene (LaDou, 2020). These ILO's standards are designed for national systems of regulation, which allow for national interpretations and decision to ratify or to ignore (Standing, 2008). As Director-General of

the ILO, Guy Ryder (2015) explains: ‘National governments ratify [Conventions] and are responsible for answering to the ILO for their observance. It’s a nation-state based approach to international labour behaviour. There has been a growing feeling, an accumulation of feelings, that the advent of globalization, the development of supply chains and production networks, has led to a risk ... that this purely nation-state approach to the behaviour of the globalized economy risked missing the dimension that was the transversal integration of production networks across countries. I think we knew it and I don’t think we knew what to do about it.’

The ILO is dedicated to endorsing four main principles, which aim to advance (1) fundamental rights at work, (2) greater opportunities for obtaining employment meeting these conditions, (3) greater coverage and effectiveness of social protection and (4) tripartism (involving governments, employers, and workers) and social dialogue in labour relations. The ILO achieves these objectives through its Constitution (ILO, 1919) and the related Declaration of Philadelphia (1944), Conventions, Recommendations, 1998 Declaration of Fundamental Principles and Rights at Work (1998 Declaration), Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy 1977 (revised 2017) and mechanisms for monitoring compliance with the Conventions and Recommendations including the Committee on Freedom of Association. ILO Multinational Enterprises Declaration sets out standards for business behaviour in the areas of employment, training, conditions of work and life, and industrial relations. Aside from the Constitution and the 1998 Declaration, the ILO’s main instruments include eight core labour Conventions (ensuring core labour standards), addressing Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182) in what became the 1998 Declaration on Fundamental Principles and Rights at Work.

Historically, after the World War 2, the ILO has established its position as a key actor in the field of international industrial relations (Thomas and Turnbull, 2020). The ILO set the bar high for labour standards (Maupain, 2013:118) and focused on overcoming opposition by reaching consensus between the governments, employers, and workers (Cox, 1973). However, in more recent years, the ILO appears to be ‘adrift’ (Marginson, 2016a:1051) and unable to depart from its path-dependent past (Baccaro and Mele, 2012: 218; Standing, 2008). The production of Conventions has slowed considerably and since the 1980s most Conventions have focused not on collective but individual rights (Royle, 2010). It has, however, not only become more difficult to achieve the necessary degree of consensus among the ILO’s constituents to adopt new Conventions, many countries that have

ratified conventions are not enforcing them and the ILO's ability to intervene has decreased from an already low levels in the past (Royle, 2010; Baccaro and Mele, 2012). As Royle (2010) suggests, this could be explained by the dominant neo-liberal agenda, which led to ILO's shift from its 'standard-setting' model to 'promotional principles' and the formal acceptance of voluntary self-regulation from the late 1990s. Indeed, the environment was characterised by the increasing internationalisation of trade, the ILO's inability to produce Conventions that would challenge neoliberal ideology, the shift away from collective rights, the unwillingness of governments to implement and ratify Conventions, and the creation of international bodies in the mid-1990s (such as World Trade Organisation). At the same time, employer groups and states favouring deregulation (in the USA and the UK) raised questions of the ILO's relevance in the light of globalisation, suggesting that the focus on Conventions is no longer appropriate (Royle, 2010).

As a result, the new approach adopted by the ILO included four core labour standards that covered eight core labour Conventions. However, these Conventions were now to be subsumed under four 'principles' and 'rights': freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced and compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation. They apply to all ILO members, whether they have ratified the Conventions or not. The principles would be pursued by providing technical assistance and development policies, rather than sanctions. This shift to 'principles' decreased the ILO's ability to act as a standard setter (Royle, 2010). Moreover, the new strategy reduced governmental responsibilities and put the pressure on consumers and companies to enforce standards through voluntary corporate codes and voluntary social responsibility initiatives (addressed in more detail in Chapter 2).

The Organisation for Economic Cooperation and Development (OECD) is another major policy-formulating body. The OECD has 35 member countries, which makes it home to nearly all of the world's multinational companies. The OECD Guidelines for Multinational Enterprises is a Code of Conduct addressed to governments and multinational companies operating in or from adhering countries (OECD, 2011). Similar to the ILO's non-binding Recommendations these guidelines provide voluntary principles for responsible operation consistent with applicable laws and standards recognised globally.

In addition to these interstate bodies, there are international non-governmental organisations (NGOs). Although they usually tend to be linked to trade union organisations, these labour NGOs differ in their origins, membership (if any), financing, relational form (networks rather than institutions), and their forms of action (Waterman and Timms, 2004). They usually focus on a single campaign, aspect of worker life, type of previously unrepresented labour, world area and type of international labour

solidarity activity such as education or communication (Waterman and Timms, 2004). Table 1.3 summarises these organisations.

Table 1.3 Contemporary organisations (adapted from Waterman and Timms, 2004:187).

<u>Global Organisations</u>	<u>International Trade Union Confederation (ITUC):</u>	<u>World Federation of Trade Unions (WFTU):</u>	<u>International Labour Organisation</u>	<u>Pro-labour activists, social movements, networks and international NGOs</u>
	<p>Based in Brussels Represents 9 Global Union Federations (GUFs):</p> <ul style="list-style-type: none"> • Building and Wood Workers International (BWI) (Geneva), • Educational International (EI) (Brussels), • International Arts and Entertainment Alliance (IAEA) (London) • International Federation of Journalists (IFJ) (Brussels), • IndustriALL (Geneva), • International Transport Workers' Federation (ITF) (London), • International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) (Geneva), • Public Services International (PSI) (Ferney-Voltaire), • Union Network International (UNI) (Nyon) 	<p>Based in Prague Represents 3 Trade Union Internationals (TUIs):</p> <ul style="list-style-type: none"> • Trade Union International and Allied Employees (New Delhi) • Trade Union International for Energy, Metal, Chemicals, Oil and Related Industries (Mexico City) • Trade Union International of Workers in the Building, Wood, Buildings Materials and Allied Industries (Helsinki) 	<p>(Geneva) UN organisation for labour issues made up by: national governments, employers, labour representatives</p> <p><u>OECD</u> OECD Multinational Guidelines (Paris)</p>	<p>Examples include:</p> <p>Global Labour University,</p> <p>Global Union Research Network</p>

<u>Transnational Organisations</u>	Examples include: Trade Union Advisory Committee to OECD (TUAC) (Paris)	European Trade Union Confederation (ETUC) (Brussels)	
<u>National Organisations</u>	Examples include: Trade Union Congress (UK) (TUC) (London)	American Federation of Labour – congress of Industrialised Organisations (USA) (AFL-CIO) (Washington DC)	

1.1.3 Global enterprise-based employee representation: agreements and bodies

The global enterprise-based employee representation can be understood by looking at agreements on the one hand and the institutions (bodies) on the other. Both bodies and agreements can be regional (European) and global in scope. The analysis starts by looking at agreements first and then moves to bodies.

It is possible to distinguish between European and International (sometimes referred as Global) Framework Agreements depending on the labour-side signatories and the scope of application. The International Framework Agreement (IFA) is a Transnational Framework Agreement, when it is signed by a GUF and has global application (Telljohann et al., 2009a). In contrast, the European Framework Agreement (EFA) is a Transnational Framework Agreement with a European scope of application, which is signed by the European Industry Federations and/or the EWC (Telljohann et al., 2009a).

After many years of lobbying by the ETUC, an important development in the European labour transnationalism was the establishment of European Works Council, which can be viewed as a response to the internationalisation of multinational companies (Burgmann, 2016). Indeed, highlighting the importance of the European Works Councils, the European Commission argued that the national systems of employee representation and legislation for the purpose of informing and consulting employees were no longer in line with the global structure of multinational companies (Knutson, 1997). European Works Councils (EWCs) can be defined as a ‘transnational, pan-European forum of employee representation within multinational corporate groups for purposes of information disclosure and consultation’ (Gold and Hall, 1994:177-178). The EWCs are bodies that provide information and consultation to employees in European multinational companies, as required by the 1994 European Works Councils Directive and the recast Directive 2009. The EWC Directive applies to all companies with 1,000 or more employees and at least 150 employees in each of two or more EU member states (Cressey, 2009). In 2019 there were 1142 EWC operating (ETUI, 2019).

At the global level, four types of bodies can be distinguished:

1. Extended European Works Councils

An Extended European Works Council is an extension of the EWC to include non-European employee representatives. In companies with important production sites outside Europe, employee representatives from these sites are included in the EWCs as ‘observers’. The process of ‘extension’ of the EWC can be based on an informal agreement with central management (for internal and plenary EWC meetings) or on an independent decision of the employee representatives (solely for internal meetings).

2. Global Trade Union Networks

A Global Trade Union Network (GUN) is a company-specific network of trade union employee representatives organised by the relevant GUF. GUNs emerged as platforms for dialogue and coordination of trade union activity across border (Dufour-Poirier and Hennebert, 2015). There are different names used in the academic literature to describe these networks. Lévesque and Murray (2010a) refer to them as ‘trade union cross-border alliances’, others call them ‘global company networks’ (Croucher and Cotton, 2009) or ‘transnational union networks’ (Helfen and Fichter, 2013). In this thesis the term ‘global union networks’ (GUNs) is used. The GUNs resemble the World Company Councils that existed in the 1960s and 1970s (discussed in Chapter 2). GUNs differ from other forms of cooperation such as activist networks and labour-community coalitions insofar as they comprise primarily full-time officers of unions with interests in the multinational company, around which the network is formed and the action taken by them aims specifically at protecting the rights of workers at this company rather than addressing broader social or political issues. In practice, GUNs vary in terms of the level of involvement and recognition from management, the strength of the relations between the participants and extent of the collective action organised. The relevant GUF is usually responsible for determining the size and composition of the delegation in such a body. Financing can be provided by the GUF or by the management and varies in practice depending on the level of the involvement of management in such bodies. In the case where management has negotiated the creation of the GUN, the company bears the costs of its operation. These GUNs are usually established by the International Framework Agreement between the company management and the relevant GUF. GUNs can also be established unilaterally by the GUF without any management involvement. In this case, the GUN is financed by the GUF. As some GUNs are not based on written agreements, identifying all currently existing bodies is a challenging task. Nevertheless, the key goal of the GUNs ‘may vary and may develop across time, but they are generally set up initially to collect and exchange information with the aim of progressing towards organising, coordination and solidarity action’ (Croucher and Cotton, 2009:69).

3. World Works Councils

A World Works Council is a body based on a bilateral agreement between employee representatives, management and sometimes the relevant GUF. The agreement determines the composition of the body and the management’s obligations to cover the costs. World Works Councils are not union entities, but union officials are usually involved in these bodies as ‘experts’ (Steiert, 2009). Global bodies that are not recognised by companies are not included in this category (as well as in World Union Councils), as was the case with World Company Councils that existed in 1960s and 1970s (discussed in more detail in Chapter 2). The first World Works Council was established at the National Westminster Bank in April 1996 (Rüb, 2002). However, it was disbanded after the bank was acquired by the Royal Bank of Scotland in 2000 (Waddington, 2011).

4. World Union Councils

For the purpose of this thesis, it is important to distinguish between a World Works Council (WWC) and a World Union Council (WUC). A World Union Council shares some similarities with a Global Union Network (GUN) and a World Works Council. A World Union Council is based on a on a bilateral agreement between employee representatives, management and sometimes the relevant GUF. The main difference between a WUC and a WWC is that the former mainly comprises of union members from the local trade unions affiliated to a relevant GUF. Some unions that are not affiliated to the relevant GUF are allowed to send ‘observers’. In contrast to the GUN, the role of the GUF in the WUC is restricted, as it is only allowed to send external experts to the meetings and has no input in organisation of the meetings, its size and financing.

The four bodies discussed above can be summarised under a term ‘global worker bodies’, developed by the researcher. This term is used to describe all global worker bodies that exist, highlighting the variety of the forms they take.

Table 1.4 Definitions of global worker bodies (own research).

Name:	Definition:
Extended European Works Council	Extension of the EWC to include non-European employees as observers. Can be based on an agreement with the central management (for internal and plenary EWC meetings) or on an independent decision of the employee representatives (solely for internal meetings).

Global Trade Union Network (GUN)	Company-based trade union network, usually organised by the GUF. Can be unilateral (GUF only) or bilateral (with the management). Comprise primarily full-time officers of unions with interests in the company, around which the network is formed.
World Works Council (WWC)	Institutionalised forum, based on a voluntary bilateral agreement between employee representatives, management and sometimes the relevant GUF. All employee representatives are granted full titular status.
World Union Council (WUC)	Institutionalised forum, based on a voluntary bilateral agreement between employee representatives, management and sometimes the relevant GUF. Consists of members of the local trade unions affiliated to the relevant GUF, who have a full-member status.

There are three main global worker bodies that are at the centre of this thesis: Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs). Extended EWCs are viewed as an ‘intermediary step’ between the European and the global body. As far as the author is aware, there are 28 GUNs currently operating (Table 1.5).

Table 1.5 Multinational companies with the GUNs currently operating (own research).

Name of the company	Location of HQ	Industry
ArcelorMittal	Luxembourg, Luxembourg	Metal
BAE Systems	London and Farnborough, UK	Metal
BASF	Ludwigshafen, Germany	Chemicals
BNP Paribas	Paris, France	Services Finance
Caterpillar	Deerfield, Illinois, USA	Metal
Deere & Co	Moline, Illinois, USA	Metal
Ericsson	Stockholm, Sweden	Metal
Fiat Chrysler Automobiles	London, UK	Metal
Ford	Dearborn, USA	Metal
Fresenius	Bad Homburg vor der Höhe, Germany	Healthcare

General Motors	Detroit, USA	Metal
HeidelbergCement	Heidelberg, Germany	Building materials
HSBC	London, UK	Services Finance
Hyundai Kia	Seoul, South Korea	Metal
IKEA	Delft, Netherlands	Services Commerce
Leonardo (formerly Finmeccanica)	Rome, Italy	Metal
Nestlé	Vevey, Switzerland	Food processing, Hotel, Agriculture
Pirelli	Milan, Italy	Chemicals
Rio Tinto	London, UK	Chemicals
Saica	Zaragoza, Spain	Graphical
Saint-Gobain	Courbevoie, France	Chemicals
Sanofi	Paris, France	Chemicals
Siemens	Munich, Germany	Metal
Smurfit Kappa	Dublin, Ireland	Graphical
Société Générale	Paris, France	Services Finance
Teleperformance	Paris, France	Services
Telenor	Fornebu, Norway	Telecommunications
WestRock	Atlanta, USA	Corrugated packaging

In contrast to the GUNs, the WUCs and the WWCs are institutionalised forums rather than networks of local unions/committees and primarily comprise employee representatives (Müller et al, 2005). There two main requirements for a WUC/WWC: (a) it needs to include non-EU employee representatives as full members; (b) there should be a bilateral agreement between employees and management (and sometimes the relevant GUF) to establish a global worker body. These criteria are used to distinguish between the extended EWC and the WUC/WWC in this thesis. For example, at Kone the EWC was extended without a formal agreement to include one delegate from one non-European production site. Thus, a body at Kone falls under the definition of the extended EWC. In contrast, at Whirlpool, there is a WWC, which is based on the agreement that provides for full participation of employee representatives, including those from Russia, South Africa and Turkey (Eurofound, 2019a).

As far as the author is aware, 37 WUCs and WWCs are currently operating (Table 1.6). These are the most recent estimates as there might be more global worker bodies operating in practice.

Table 1.6 Multinational companies with the WUCs and the WWCs (own research).

Name of the company	Location of HQ	Industry
ADVA Optical Networking SE	Munich, Germany	Services, telecommunications
Airbus	Leiden, the Netherlands	Metal
BMW	Munich, Germany	Metal
Bosch	Stuttgart, Germany	Metal
Cap Gemini Ernst and Young	Paris, France	Professional services
Danfoss	Nordborg, Denmark	Metal
Daimler AG	Stuttgart, Germany	Metal
EDF	London, UK	Chemicals, public services
Endesa	Madrid, Spain	Chemicals, public services, energy
Enel	Rome, Italy	Chemicals, public services, energy
ENI	Rome, Italy	Chemicals, public services, energy
ERGO Insurance Group	Dusseldorf, Germany	Services commerce
Falck	Copenhagen, Denmark	Public services, services
Gucci Group (Kering)	Florence, Italy (Paris, France)	Services commerce
Hochtief	Essen, Germany	Building and woodwork
Huber Group	Breitwiesen, Austria	Metal
Indesit	Pero, Italy	Metal
IMW Immoillien SE	Berlin, Germany	Real estate
Lego Group	Billund, Denmark	Chemicals
Mondi Group	Vienna, Austria	Packaging and paper
Nordea	Helsinki, Finland	Services finance
Orange	Paris, France	Other services
PSA Peugeot Citroen	Paris, France	Metal
Renault	Boulogne-Billancourt, France	Metal
Rolls Royce	London, UK	Metal
Scania AB	Södertälje, Sweden	Metal
Securitas	Stockholm, Sweden	Other services
Skandia	Stockholm, Sweden	Services finance
++	Gothenburg, Sweden	Metal
Solvay	Brussels, Belgium	Chemicals
Statoil	Stavanger, Norway	Chemicals

Swedwood Group (IKEA)	Leiden, Netherlands	Building and woodwork
UniCredit Group	Milan, Italy	Services finance
Volkswagen	Wolfsburg, Germany	Metal
AB Volvo	Gothenburg, Sweden	Metal
WEPA Industrieholding SE	Arnsberg, Germany	Chemicals
Whirlpool	Benton Harbor, USA	Metal

1.2 Theoretical Framework

1.2.1 Employment Relationship, Power Distribution and Interests

Dunlop (1958) identifies three groups of actors in an industrial relations system: (a) managers and their representatives; (b) workers and their representatives; and (c) specialised governmental bodies involved with industrial relations activities and three different environmental contexts (technologies, markets, power distribution). Current economic factors, political frameworks, regulatory influences, historical development and cultural traditions influence relations between these actors. Hyman (1975) has expanded Dunlop's (1958) conceptualisation of industrial relations (IR) as the network of rules that govern workplace relations and defined IR as the processes of power and authority in workplaces and the result of the various institutions, interactions, and practises that are themselves a product of broader social, economic, and historic factors. The criticism of Dunlop's approach refers to the fact that Dunlop downplayed the sources and consequences of industrial conflict in favour of an analytical and normative orientation towards social order. For Hyman (1975:12), this meant that the subject of IR would always be one-sided and inadequate, if it failed to treat instability and stability as being equally significant 'system outcomes'. Indeed, 'common interests' between management and labour cannot be assumed due to 'unbridgeable' conflict of interest (Blyton and Turnbull, 2004; Hyman, 1975). The aims of employees are not synonymous with goals of management, which leads to tension and conflict. This constant power struggle is the major feature of IR (Hyman, 1975) and 'employment relationship is inherently power/authority relationship' (Salamon, 1998:70). However, as Hyman (1975) explains, this does not mean that there cannot be any convergence of these interests. For example, both parties may suffer in case of bankruptcy. Nevertheless, it is also true that workers are the main victims of economic misfortunes (Hyman, 1975).

Power can be understood as 'the ability of an individual or group to control his (their) physical and social environment; and, as part of the process, the ability to influence the decisions which are or are not taken by others' (Hyman, 1975:26). In practice the concepts of power and authority are inextricably linked: authority is achieved through power and vice versa (Salamon, 1998). Fox (1971:35) defines authority as 'a relationship in which the superordinate is perceived by the subordinate as having the right to make decisions which must be accepted as binding'. Hyman

(1975:26) argues that power can only serve its purpose, which in IR is ‘primarily as a resource in the service of collective interests’, when it is exercised over people. Two aspects of power could be identified: ‘power for’ and ‘power over’. Hyman (1975) explains that ‘power for’ is primarily a resource used in the service of collective interests. Where a relationship of conflict exists, power is wielded by one individual or group over the other. In a capitalist society, Hyman (1975) explains, power relations are normally of the ‘power over’ kind, due to the manifold conflicts of interests. Lévesque and Murray (2010c) outline a third kind – ‘power to’, which refers to the capacity ‘to bring about significant effects, specifically by furthering their own interests and/or affecting the interests of others, whether positively or negatively’ (Lukes, 2005:65). Lévesque and Murray (2010c) explain that this view of power is particularly well suited for unions and other employee representatives. Even though they are engaged in ‘power over’ (Hyman, 1975), they are also focused on representing and empowering the workers and improving their capacity to act. These two aspects of power (‘power over’ and ‘power to’) are applied in this thesis to the discussion of global worker bodies. When discussing the effectiveness of global worker bodies, the study essentially analyses whether global worker bodies are able to utilise their ‘power to’ represent the workers in the companies studied and to deliver the desired outcomes for employees, improving their capacity to act. At the same time, employers have the ‘power over’ employees and can use it to achieve their preferred outcomes.

Sisson (2012:177-183) explains that both ‘power over’ and ‘power to’ are involved in the distribution of resources between employers and employees. Usually, the employer’s ‘power over’ an employee means they can mobilise a greater range of resources to ensure their preferred outcomes. Therefore, the notion of regulatory space proves useful to conceptualise this as a zero-sum power approach, where one actor loses what the other wins. In the regulatory space terminology this refers to uneven allocation of space, which is determined by the ability to stop others from occupying space and ability to mobilise resources (Dundon et al., 2014). This is addressed in the regulatory space section in this Chapter. While employers and employees are nominally equal, in practice they have very different resources. The employee is an individual who has to work to make a living and the employer, in this study, is a multinational with substantial time and money at its disposal. The result is that regulation of employment is typically unequal, with a resource allocation and distribution skewed in favour of employer.

French and Raven (1959:151) identified five key sources of power within the organisational relationship: reward, coercion, legitimised, referent, expertise. They later added a sixth basis – ‘informational’. Coercion is the capacity to influence others based on some formal roles people hold, which allow them to deny the reward or mediate punishment. Power may also be based on different sources such as rewards, expertise and legitimacy of a presumed right to manage. Reward refers to ability to mediate the achievement of reward or benefit. Expert power refers to having special

knowledge, which is considered to be superior to that of others. Legitimate power comes from occupying a formal role, which is designed to prescribe direction and regulation of others. The referent basis of power is derived from having some personal attributes, which lead others to conform and comply (the greater the attraction, greater the identification and greater the referment) (French and Raven, 1959). The informational power is derived from the capacity to influence others by controlling information (Raven, 1965).

Similarly, Lukes (1974, 2005) views power as having multiple forms – the ‘three faces of power’. The first face refers to the observable domination, when one person has power to secure its aims over another. It is similar to ‘coercion’ as described by French and Raven (1959). The second face refers to actors preventing certain issues from being discussed or preventing any decision-making around certain issues. Dundon et al. (2014) argues that this second face of power is similar to ‘non decision-making’ power (Bachrach and Baratz, 1970). The third face of power refers to the hegemonic influence to shape people’s preferences through ideological power. In the company this power helps to ensure that employees accept management-led initiatives that may be contrary to their own interests (Dundon et al., 2014). Sisson (2012:187) argues that the third face of power refers to the ‘attitudinal structuring’ (Walton and McKenzie, 1965).

Hyman (1975) outlines that there is unequal power embedded in the employment contract, which leads to asymmetry in the content. Indeed, obligations of employer are precise and specific, while obligations of the employee are imprecise and elastic. Despite that, employees are expected to obey the commands of the management, the limits of this managerial authority are not precise and are constantly re-negotiated through a process of pressure, mobilisation of resources and sanctions (Hyman, 1975). The above discussion helps to systematically address the concept of power. In particular, ‘power over’ and ‘power to’ are used to demonstrate the unequal allocation of resources between the employer and employees in the employment relationship (Sisson, 2012). French and Raven’s (1959) sources of power provide understanding of resources available to actors that they can utilise to achieve desired outcomes. The ‘three faces of power’ (Lukes, 1974, 2005) and in particular, the second face of power, which is similar to ‘non decision-making power’, helps to discuss how effective consultation is, as it does not represent the same power as co-determination. In this thesis Hyman’s (1997) dimensions of employee representation: autonomy, legitimacy and efficacy are used to explore the power issues underlying employee voice. This is addressed in more detail in the next sub-sections.

1.2.2 Employee Voice, Industrial Democracy, Involvement and Participation

The concept of ‘employee voice’ is not always defined precisely and it incorporates both direct and indirect forms, in unionised and non-unionised organisations and in task-related and off-line teams

(Bryson, 2004). It is understood as a type of body or process by which employees are able to contribute to or influence managerial decisions, either directly or indirectly through their representatives (Boxall and Purcell, 2003). The employee voice can be understood through such mechanisms as collective bargaining and direct or indirect participation. It can also be viewed as a process, which refers to the representation, information and/or consultation. Lastly, it can also be seen as a body that provides employee voice. Traditionally, voice has been applied to unions, as unions were seen as the principal way in which workers can get a 'say' at work (Freeman and Medoff, 1984). In this thesis, the term voice is used to examine global worker bodies – non-union indirect forms of voice.

The term 'employee voice' refers to various practices designed to allow workers a 'say' in how companies operate and appears to be the most recent in line of terms such as employee involvement, employee participation and industrial democracy (Marchington, 2008). Johnstone and Ackers (2015) state that employee involvement and workers' control are on opposite ends of the voice spectrum, with employee participation somewhere between the two. As Hyman and Mason (1995:18) put it: 'the paradigm of employee involvement (EI), employee participation (EP) and industrial democracy (ID) is essentially one of the ascending levels of control by employees over their work and organisations'. 'Industrial democracy' (also known as workers' control) has a central objective of establishment of employee self-management within organisation, ownership of which is put in the hands of the employees or the state. The management function in such an organisation is exercised through a group elected by employees, which controls the allocation of profits between the wages and investment back in the organisation. Industrial democracy, however, has 'little currency in contemporary market-driven economies where any worker or activist concern for industrial control has been fragmented and displaced by defensive struggles to retain individual employment and to protect employment rights' (Hyman and Mason, 1995:8).

Salamon (1998) outlines that involvement is different to participation in that it intends to enhance the support and commitment of employees to the objectives and values of the company, while participation is designed to provide employees with the opportunity to influence and take part in organisational decision making. Indeed, Hyman and Mason (1995:21) describe participation as initiatives that 'promote collective rights of employees to be represented in organisational decision-making'. The assumption behind employee participation is that despite diverging employee and employer interests, there is also scope for building cooperation through dialogue. Rather than letting employers decide how the company is managed, participation 'aims to balance management voice with employee voice' (Johnstone and Ackers, 2015: 3). Salamon (1998) emphasises the collective body of employees, which has some form of partnership with capital in decision-making process in the company. Pateman (1970:67) states that 'real' participation requires labour and capital to have

‘equal power to determine the outcome of decisions’ and in the absence of such equality, employees essentially depend on management goodwill. Therefore, there needs to be more than information provision to employees or employee representatives and employees should have an opportunity to influence key strategic decisions in the company (Salamon, 1998). Employee involvement is defined by Farnham and Pimlott (1990:82) as ‘the means used to harness the talents and co-operation of the workforce in the common interests they share with management’. Employee involvement has been introduced by management to ensure commitment to the aims of organisation and includes such mechanisms as empowerment, teamworking, briefing groups and quality circles (Salamon, 1998).

‘The higher the level of decision-making, the less likely it has been for workers to have any major influence on the outcomes of events, and the more vigorously managerial “prerogatives” have been defended’ (Poole, 1986:17). Poole (1986) argues that employee participation schemes have been restricted by management in terms of the degree, level and range of issues involved and thus are unlikely to have significant effect on managerial prerogative. Hyman and Mason (1995:151) argue that ‘management might direct certain issues into lower-level involvement forums, to discuss and negotiate these issues through a non-strategic mechanism, in order to limit the potential of these issues being discussed in a more meaningful strategic context’. This is known as the ‘participation paradox’ – participation being restricted at the planning stages, when it could have had the highest impact, and increases in the implementation stage when it is less likely to have much impact (Huiskamp, 1995:163). Therefore, participation becomes limited only to improving operational implementation of strategic change instead of determining the change itself (Salamon, 1998).

Interestingly, Strauss (2006) explains that ‘voice’ is a weaker term than participation, as it does not mean influence or active involvement in decision-making. Voice is a necessary foundation for participation, but does not in itself lead to participation. Therefore, voice has multiple ‘meanings’ and can be interpreted in different ways such as being seen as a countervailing source of power to management, or part of a mutual gains process (Dundon et al. 2004).

1.2.3 ‘Robustness’ and ‘Shallowness’ of Employee Voice

As it has been discussed in the previous section, employee voice is a broad term that has a number of meanings¹ and it is therefore helpful to deconstruct voice as a broad term. One way of doing this is to employ Hyman’s (1997) dimensions of employee representation: autonomy, legitimacy and efficacy to explore the power issues underlying employee voice. The other approach is the ‘level, form, range and degree’ of employee voice Marchington et al., 1992:7), discussed later in the section.

¹ For a conceptualisation of employee voice in different strands of literature refer to Wilkinson and Fay (2011) and Dundon et al. (2004).

Autonomy implies independence of a voice structure from the managers. The articulation of employee voice requires ‘the filtering and prioritising of multiple, fragmentary and often contradictory grievances’ (Hyman, 1997:311). Thus, Hyman (1997) argues that autonomy requires representatives to adopt objective positions both from managers and employees in order to best represent the interests of those constituent employees. The legitimacy is conceptualised as the ‘precondition of the representativity of representatives’ and is ‘gained and sustained by a record of delivering the goods’ (Hyman 1997:311). Legitimacy is lost when employee representatives do not deliver outcomes matching employee expectations or fail to solve certain issue or influence management decisions. The legitimacy of the voice structure is also dependent on the acceptance of its legitimacy by the employer. Hyman (1997:311) conceptualises efficacy in terms of ‘the ability to acquire relevant information (intelligence), to formulate policies coherently and dynamically (strategy), and to implement them appropriately (competence)’.

This thesis views the GUNs, WUCs and WWCs as bodies of indirect employee voice in multinational companies and aims to examine how effective (or ineffective) these bodies are in providing employee voice. The problem of defining ‘effectiveness’ of particular body have been raised by Müller and Hoffman (2001) when reviewing the EWCs research. Müller and Hoffman (2001:122) argue that ‘in the absence of any agreed standard; the ‘effectiveness’ of an EWC is clearly in the eye of the beholder; it may only be slightly exaggerated to suggest that there are probably as many different conceptions of ‘effectiveness’ as there are EWC researchers’. In terms of their effectiveness, the Global Trade Union Networks, World Union Councils and the World Works Councils are not compared to the EWCs. Such comparison is rejected due to different scope of operation and the fact that the EWCs are reinforced by the EWC Directive, while the creation of the global worker bodies is voluntary and still in its infancy. In addition, the GUFs, employees and employee representatives, management, trade unions have different understanding of what constitutes an ‘effective’ GUN, WUC and a WWC. Therefore, to avoid the issues associated with the definition of effectiveness outlined by Müller and Hoffman (2001), the concept of ‘robustness’ or ‘shallowness’ of employee voice (Oxenbridge and Brown, 2004) is applied.

In this research, effectiveness (or ineffectiveness) of the global worker bodies is measured by ‘robustness’ or ‘shallowness’ of employee voice (Oxenbridge and Brown, 2004). ‘Shallow’ forms of employee voice provide information and communication and are relatively ineffective. In contrast, ‘robust’ forms of employee voice take on a more consultative role, participate in negotiation with the management and decision-making at the company. ‘Robust’ forms of employee voice are more effective in providing meaningful employee voice. ‘Robustness’ or ‘shallowness’ of employee voice

is based on key four characteristics: level, form, range and degree of employee voice (Marchington et al., 1992:7).

‘Level’ refers to the hierarchical level in a company, at which a body operates. Wilkinson et al. (2010) emphasise that even high-level bodies might include more than an information exchange as that company level involvement could lead to control over decisions about work organisation (Wilkinson et al., 2010).

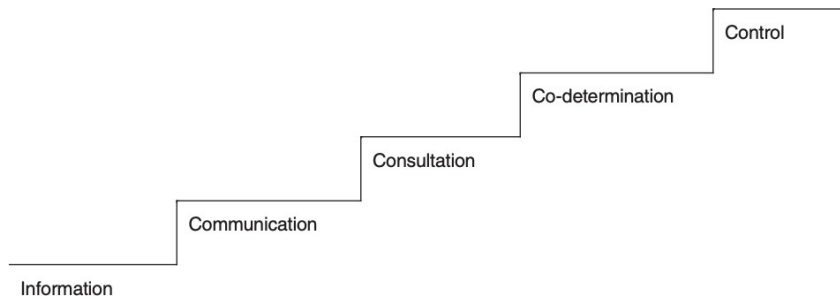
‘Form’ means either direct (individuals or small groups) or indirect (via employee representatives) bodies. Salamon (1998) explains that direct forms provide an opportunity for employees to be personally involved in the decision-making, while indirect forms limit a group of employees to a relatively passive role of discussing issue with management on their behalf.

‘Range’ of subject matter is a number and types of issues on which employee representatives have a say. It can vary from trivial matters at one extreme to strategic decisions such as production, investment and restructuring (Marchington et al. 1992; Marchington and Wilkinson, 2005). Salamon (1998) identifies task centred (focused primarily on the structure and performance of the operational work situation) or power centred (aimed at fundamental managerial authority and decision that determine the framework or environment within which operational decisions have to be made) approaches. In relation to this characteristic, it is possible to distinguish two strategies: descending involvement and ascending participation (Salamon, 1998). Descending involvement refers to a strategy where management transfers authority and responsibility to employees for a limited range of worker-related decisions for its own purposes. However, the decisions have already been made by the management and employee involvement is limited to the implementation stage of these decisions. By implementing such strategy management aims to motivate the individual employee and ensure commitment to company aims and objectives (already decided by management) (Salamon, 1998). Examples of this strategy include briefing groups or consultative meeting between individual employee and his/her supervisor.

In contrast, ascending participation refers to a strategy that aims to protect interests of the employees by extending their collective influence into wider range of decisions at a higher level of the company. This strategy is likely to come from employees and their unions that demand participation or the state (Salamon, 1998). This strategy is power centred (rather than task focused) and seeks to balance power between management and employees in the decisions-making process. Examples of this strategy include collective bargaining or creation of works councils.

‘Degree’ (sometimes referred to as ‘depth’) is the extent to which employee representatives can influence decision making. The ‘degree’ of employee voice provided by global worker bodies is of particular importance for this study. The escalator of participation (Marchington et al., 1992:7)² is used to illustrate the ‘degree’ in this study.

Figure 1.1 The original escalator of participation (Marchington et al., 1992:7).



As it can be seen in Figure 1.1., Marchington et al.’s (1992) escalator of participation starts with information. However, for the purpose of this thesis it is important to add an additional stage – ‘no involvement’, which comes from the Blyton and Turnbull’s (2004:255) continuum of participation. At the ‘no involvement’ stage, employee representatives do not have an opportunity to meet with the management at the global level, as there is no global worker body or because management does not recognise a global worker body. The next step is ‘information’, when employee representatives are informed by the management in a one-way manner. ‘Communication’, in contrast, implies discourse and a two-way communication between the employee representatives and management (rather than management to employees). ‘Consultation’ gives employee representatives an opportunity to be involved in the decision-making process. However, employee representatives could be merely involved in decision-making rather than secure any real influence over it. Sisson (2012:186) explains that there are two main types of consultation: ‘decision-based’ and ‘option-based’. Sisson’s (2012) distinction refers to the previously discussed Luke’s (1974) ‘second face’ of power, where certain issues or interests may be withheld from the agenda and not fully discussed by all parties involved in consultation. In ‘decision-based’ consultation management first decides on the preferred option (for example, on how to implement restructuring) and consults with the employee representatives on how to handle the implications of this decision. In this scenario, it is evident that the decision has already been made for the representatives and they are asked to only discuss the implementation. In the

² A similar approach has been undertaken by Blyton and Turnbull (2004:255). In their continuum of employee participation, the ‘degree’ varies from ‘no involvement’ to ‘employee control’. At the ‘joint consultation’ employees are consulted before any decisions are formulated, which gives them an opportunity to ‘exert influence rather than simply be involved in the decision-making process’ (Blyton and Turnbull, 2004: 255).

‘option-based’ consultation instead of putting just the ‘decision’ on the table, management reveals the full range of alternatives and invites views on these from the representatives. In this case, representatives have an opportunity to discuss the full list of options, while in the first scenario they are restricted to what management has already decided on. In both cases, management has a control over the final decision (Sisson, 2012). Indeed, even in the case of European Works Councils, information and consultation rarely leads to any joint decision-making activity (Blyton and Turnbull, 2004). Moreover, the extent of joint exchange in EWCs can be limited, where employee representatives are not consulted on such key issues as plant closures (Blyton and Turnbull, 2004). The famous case of the Vilvoorde plant, where the workers, the EWC and the unions were not consulted on the plant closure, is an example that demonstrates limitations of consultation provisions that rarely lead to any joint decision-making. Indeed, consultation does not represent the same ‘power’ as co-determination.

‘Co-determination’ implies a veto over specified areas of management decision-making. For some observers, it is the key step at which a true participation occurs, while all stages to the left of it (Figure 1.2) present ‘pseudo’ or ‘phantom’ participation (Ramsay, 1980). Lastly, ‘control’ refers to some form of joint or employee control over the decision-making. As Blyton and Turnbull (2004) explain, for management the forms of employee participation on the left-hand side (information, communication and consultation) present very different implications than forms on the right-hand side (co-determination and employee control). As a result, all actors such as employees, management, trade unions and the state show support for participation, but in practice it means support to quite different principles and practices with different objectives in mind (Blyton and Turnbull, 2004). Management is more interested in getting employees ‘on side’ rather than re-distributing decision-making power all together (Blyton and Turnbull, 2004).

Figure 1.2 The adapted escalator of participation (based on Marchington et al., 1992:7; Blyton and Turnbull, 2004:255).

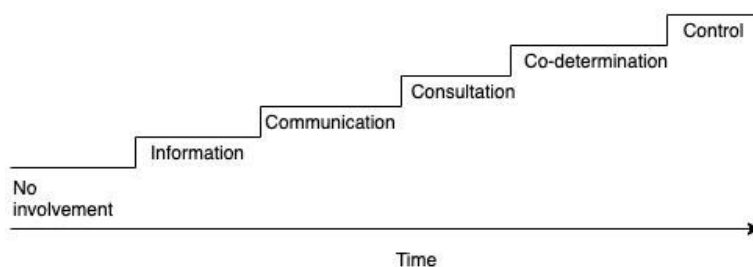


Figure 1.2 shows the adapted escalator of participation based on Marchington et al. (1992:7) and Blyton and Turnbull (2004:255). The escalator of participation implies progression upward rather than a move from no involvement to employee control (Wilkinson et al., 2010). It also explains how bodies

should evolve organically with time based on the company circumstances (Marchington et al., 1992). Thus, the time dimension is added to the escalator of participation. It is problematic to expect effective consultation in the company with no history of information (Marchington et al., 1992). This idea is particularly important for the nature of this thesis. The concepts of time and company history suggest that with time and based on company circumstances, global worker bodies might develop into more robust forms of global employee voice, characterised by a consultative role.

1.2.4 Regulatory space

The regulatory space framework, first introduced by Hancher and Moran (1989), is part of the institutional theory. Regulatory space can be defined as an abstract conceptual space created by various occupants that act together upon a range of regulatory issues subject to public decision (Berg et al., 2005). It draws attention to the fact that industrial relations issues are subject to decision by a number of organisations: individually or jointly (Dobbins et al., 2011). Moreover, it looks at the interactions of each of the actors in the space and can recognise plural systems of regulatory authority and responsibility. The regulatory space approach provides new possibilities to study how employee voice is regulated and how it changes over time and space. Space is size-specific, depending on global, national, sector or company level circumstances (Dobbins et al., 2011). Another key feature of regulatory space that it is not just situated in space, but also in time. The allocation of space at a precise moment is impacted by historical, cultural, political and economic factors (Hancher and Moran, 1989).

One of the main characteristics of regulatory space is that it can be occupied by and unevenly allocated between actors, trying to contest their positions in defined regulatory space. The degree to which each actor can occupy space is determined by its ability to stop others from occupying that space and ability to mobilise resources (Dundon et al., 2014). Scott (2001) identifies four key resources: (a) formal legal authority; (b) possession and control of information; (c) possession of wealth; and (d) organisational capacities³. The greater the space occupied by an actor, the greater is the ability of that occupant to achieve desired regulatory outcomes (Barry, 2009). Various regulatory actors may occupy space and while the state has resources to assure compliance with regulation, other parties may have ways to resist it (Hancher and Moran, 1989). The state is viewed as a regulator setting the boundaries of the regulatory space and also as an actor within the regulatory space (Barry, 2009). Resources and power are distributed among actors that interact through formal and informal networks, which involves interdependence and bargaining.

³ There is some similarity to Morgan's (1986) sources of power such as control of resources, control of information and decision-making process, use of organisational structures, and control of alliances and networks.

Another important aspect of regulatory space is the economic regulation – ‘predominantly regulation by and through organisations’ (Hancher and Moran (1989:161). Organisations include various state agencies, regulatory bodies but also trade unions, interest groups and companies. Individuals could also influence regulatory issues through the certain organisational role: as managers, as board members, as the voice of organised interest, as employee representatives, as external advisors. Thus, the positional power and organisational status are key for accessing the regulatory space (Hancher and Moran, 1989:161).

Vibert (2014) in his book ‘The New Regulatory Space’ distinguishes between the three main types of regulation. The first type refers to ‘official regulation’, where government creates the rules, which can be backed by coercive power of government and the law for their enforcement. The second type refers to ‘self-regulation’ by a private body (such as Codes of Conduct created by companies). The third type refers to ‘co-regulation’ by private and public bodies. This third type demonstrates that in practice ‘official’ and ‘self-regulation’ are often interlinked. For example, on one hand, a private body may ‘borrow’ official authority and set the rules, which are in turn enforced by official regulators. On the other hand, official regulators may utilise private sector to help regulate. This demonstrates that legal authority is not the only source of regulatory power and suggests a non-hierarchical view of regulation. However, Scott (2001) argues that non-hierarchical conception of regulation does not mean that all actors experience regulation in this way. If there are only non-hierarchical relations within space, then perhaps there is no regulation at all in its traditional sense. Another limitation is that regulatory space framework might create a neo-liberal normative agenda, which is critical of the state to direct market actors. Moreover, the regulatory space analysis does not offer any clear prescription as to what institutions and processes will have the desired change in any particular policy area (Scott, 2001). Despite these limitations, regulatory space helps to analyse the process of power redistribution among actors through the regulatory change and actors’ responses to this change (Inversi et al., 2017).

Two studies have applied regulatory space framework to analyse the employee voice and in particular transposition of the Information and Consultation (ICE) 2002/14/EC Directive (Dobbins et al., 2011; Dundon et al., 2014). For example, Dundon et al. (2014) looks at the impact of the ICE Directive on encouraging employers to share decision-making with employees (unions) through new or revised consultation mechanisms. However, the findings show that the process of regulation monopolised by employers, reinforces the voluntarism, which prevents employees from participating in the company decision-making. Dobbins et al. (2011), in their working paper, assess the impact of the ICE Directive and analyse the responses of employers and employees. The findings show that employers largely dominate the regulatory space for employee voice. However, the occupancy of regulatory space varies across four cases. Thus, Dobbins et al. (2011) identify a number of external and internal factors

affecting occupancy of regulatory space for employee voice at work. External factors include regulatory impact of the Information and Consultation (ICE) 2002/14/EC Directive, market pressures, role of state, employer associations and trade unions. Internal factors include union presence, union mobilisation, non-union voice as union avoidance mechanism, voice utility, robustness or shallowness of employee voice and whether employers are strategic or pragmatically opportunistic. Dobbins et al. (2011) conclude that the regulatory space framework enables a refined assessment of employer and employee responses to employee voice regulation.

1.2.5 Justification of the theoretical framework

Hyman (1975:12) states that ‘part of an explicit theoretical perspective is to provide a framework within which the complex detail of the real world can be organised and thus understood’. The theoretical framework underpinning this study is the institutional theory of regulatory space. The aim of this section is to demonstrate the connection between the philosophical paradigm (Chapter 4) and theoretical framework and briefly explain the rationale for rejecting other institutional theories.

From the institutional lens, realist perspective means the focus is on the extent to which institutions are produced by actors and yet exist externally and influence their behaviour (Ackroyd and Fleetwood, 2000). As Ackroyd and Fleetwood (2000) explain the philosophical realism has been present, even though implicitly, in a wide range of industrial relations research for some time. In fact, the institutional theory is fundamentally realist in core (Rees and Gatenby, 2014). However, the way different scholars attempt to solve the so-called ‘paradox of embedded agency’ (Seo and Creed, 2002), which refers to the tension between institutional determinism and agency, differs across various approaches. This paradox raises a question: ‘How can actors change institutions if their actions, intentions, and rationality are all conditioned by the very institution they wish to change’ (Holm, 1995:398).

When considering potential theories that can be applied in this study, this structure agency dilemma is taken into account. There are a number of approaches that are attempting to solve the central problem in social sciences – conflation, which refers to the problem of reducing structure to action, or action to structure, or of merging both (Archer, 1995). One of such approaches is literature on institutional entrepreneurship (Battilana et al., 2009). Institutional entrepreneurship states that institutional creation or change are provoked by ‘organised actors with sufficient resources (institutional entrepreneurs) who see in them an opportunity to realise an interest that they value highly’ (DiMaggio, 1988:14). According to this approach, only actors who initiate changes that break the institutionalised template, can be viewed as institutional entrepreneurs. This leads to a critique of the portrayal of institutional entrepreneurs as a particular ‘species’ of overly rational and disembedded actors (Meyer, 2006:732)

who behave as ‘heroes’. This approach was rejected for its disembodied view of agency that neglects the impact of institutional pressure on actors’ behaviours (Cooper et al., 2008).

Scholarship on institutional work (Lawrence et al., 2009; 2011) tried to overcome the limitation of institutional entrepreneurship, by focusing on institutional resistance and institutional change, which are enacted by individuals and groups who reproduce their roles, rites, and rituals at the same time as they challenge, modify, and disrupt them in the everyday life (Lawrence et al., 2009; 2011). However, Willmott (2011:71) argues that institutional work tends to retain and reproduces the dualism of individual (agency) and institution (structure). This theory was rejected on the grounds of its inability to provide clear explanation how to achieve a balance between the neglect of individuals’ agency in new institutionalism (NI) and the excessive voluntarism of institutional entrepreneurship (in the sense that it ignores the influence of institutional setting on actors’ behaviours).

Another approach considered was actor-centred institutionalism (Scharpf, 1997:37). It argues that social interactions are structured and their outcomes are influenced, but not determined, by the characteristics of the institutional context in which they take place. This means that institutions do not affect choices made by actors in a deterministic sense, as they leave significant latitude for the interaction of actors. Thus, this approach places greater importance on actor behaviour, adopting a narrow view of institutions. Such view does not align with the aim of this research, as institutions and a wider regulatory context including actors and institutions that could be found at company, national, European and global levels, are at the centre of this thesis. In this research, time and historical, cultural, political and economic factors are not considered as ‘remote causes’ but as important considerations that define the wider context in this research.

Giddens’ (1979, 1984) work on structuration attempted to address the ‘paradox of embedded agency’ by articulating a process-oriented theory that treats structure (institutions) as both a product of and a constraint on human action. Giddens (1984) defines structure as composed of rules and resources, which are virtual until perpetuated through the social processes that invoke them and by that invocation, legitimated. However, Archer (1995) argues that the structuration theory resolves the tension between agency and structure by merging it altogether, which is its key limitation. The structuration theory was rejected in this study for its lack of empirical guidelines, making the theory so abstract that its empirical application is extremely challenging. For example, Gregson (1989) describes structuration theory as a second order theory which deals with abstractions rather than a first order theory that is applicable to analyse specific events.

In contrast to the other institutional theories discussed above, regulatory space framework focuses on the places where regulation occurs and attempts to incorporate both actors and institutions. It takes

actors' agency into account, by assessing actions and strategies, and the ability of actors to mobilise resources. Access to information and ability to utilise this resource, is one of the key considerations when analysing actors' regulatory agency (Inversi, 2019). Regulatory space emphasises that the 'actions and intention of regulatory actors are embedded in larger systems and institutional dynamics' (Morgan and Yeung, 2007:80). As such, regulatory space can be viewed as a relationship between actors (agency) and institutions (structure), which generates a continuous process of adaptation, adjustment and counterbalance. The main emphasis is on organisations, which are at the centre of 'economic regulation' (Hancher and Moran, 1989). The character of organisations varies depending on the nature of activity. It includes state agencies, regulatory bodies, trade unions, interest groups and companies. The everyday practice of regulation also involves interactions between individuals. These individual actors can influence regulatory issues through their organisational roles. Private individuals who do not perform any organisational roles or represent organisational interest have less ability to intervene in the regulatory space. Organisations impose certain perceptions and responsibilities on actors, thus influencing 'how things are to be done; they also impose beliefs what can be done' (Hancher and Moran, 1989:163). Regulatory space is time dependant and is influenced by historical, cultural, political and economic factors, 'which go beyond narrow "rules of the game"' (Hancher and Moran, 1989:167).

In contrast to the traditional view of state-enacted regulation enforced by single authority on to the private actors, regulatory space captures a complex network of actors (Scott, 2001). One of the key advantages of the regulatory space framework is that it acknowledges the complex matter of defining the character of the social relations between the actors in that space. This approach focuses not only on defining the key actors, but also on structural factors that facilitate the development of network and links between the actors (Hancher and Moran, 1989). Using this network as a starting point it allows for national and industry comparisons, or in the case of this thesis comparisons across the cases. Therefore, the different mechanisms of the global regulatory framework can be institutionalised. They build parts of regulatory space, in which multinational companies, trade union organisations, states, international organisations (the ILO, the OECD) and other regulatory actors define strategies of action according to institutionalised patterns of legitimate behaviours. However, the findings that emerged in this thesis demonstrate the limitations of the regulatory space framework, which are discussed in detail in Chapter 9. Although important to refining the theory, these limitations do not undermine the applicability of the regulatory space framework.

1.2.6 Global regulatory space for employee voice

The framework in the Table 1.7 outlines major actors and instruments occupying regulatory space for employee voice. It builds on work of Inversi et al. (2017) and Inversi (2019), who in turn based their framework on conceptualisation developed by Berg et al. (2014). The framework is developed further

to include global level to suit the purpose of this thesis and presents a broader context of employee voice. It pictures various patterns of actors and institutions that could be found at company, national, European and global levels. It acknowledges MacKenzie and Martinez Lucio’s argument (2005:499) that any regulatory process ‘can only be understood by a mapping of the complex interrelation of spaces, spheres and actors of regulation’. As such, the global regulatory space framework attempts to incorporate the interrelated connections across multiple levels of analysis (Allen, 2004). The regulatory space framework presented below is a tool that allows to map and analyse systematically various actors, levels and domains. It is utilised to coherently present the context of global regulation and to demonstrate the position, which global worker bodies occupy in this complex scene.

Within the global regulatory space for employee voice each actor has their own domain – the sphere of jurisdiction (MacKenzie and Martinez Lucio, 2005). The framework includes four dimensions of regulation: law, mandated negotiation, voluntary negotiation (voluntarism) and unilateralism. There are also four different levels: global, European, national and company level. It is important to note that dimension of the framework represent the ideal types and in reality, certain actors and regulatory instruments may not fit them perfectly. As Berg et al. (2014) emphasise the description of the ideal types is developed for explanatory purposes only and ideal categories premised on just one regulatory dimension do not exist in practice. Each dimension of regulation is discussed in more detail below.

Table 1.7 Global regulatory space framework (adapted from Inversi et al., 2017:298; Inversi, 2019:176).

Domain/ Level	Law		Mandated negotiation	Voluntarist negotiation - voluntarism	Unilateralism
	Hard	Soft			
<u>Global level:</u>	ILO Conventions	Private and Public voluntary CSR initiatives	None	Global Trade Union Networks, World Union Councils, World Works Councils; International Framework Agreements and Global Union Federations	Multinational companies

<u>European level:</u>	EU law, EWC Directive 94/45/EC, the recast EWC Directive 2009/38/EC, Information and Consultation (ICE) 2002/14/EC Directive, European Company Statute (ECS)	Soft law (National Action Plans)	European Works Councils	Collective bargaining at EU level (agreements between employers and employee representatives at EU level), European Framework Agreements and European Trade Union Federations	‘Troika’: European Commission, European Central Bank and International Monetary Fund
<u>National level:</u>	Constitution, Acts, Case law	Soft law (Corporate Governance Codes)	‘Statutory’ Collective Bargaining	Social partnership, Collective bargaining, National framework agreements	Regulation by managerial, employers or unions associations
<u>Company level:</u>	None	Code of practice	Board-level representation, Company law, Provision for workers’ participation (Germany)	Decentralised collective bargaining (workplace), Non-union voice, Employment contract	Managerial prerogative, Human Resource Management, Conflict

1. Law

Regulatory space analysis acknowledges that formal legal authority is not the only source of regulatory power. Law is only one and relatively small part of the regulatory space and is given a facilitative function. The global regulatory space framework posits that the significance of law as the main or only influence is over-stated, especially when analysed at the global level. Inversi et al. (2017) view ‘law’ as a single domain and do not distinguish between the hard and soft law in the

framework. This view may present this domain as rigid and intrusive. Therefore, certain regulatory instruments such as the OECD Guidelines and Corporate Codes of Conduct do not belong in the 'law' domain since they lack legally binding force and are not 'law' as such. To overcome this limitation, in this thesis the 'law' domain has been divided into hard and soft law in the proposed framework. In this way, it adopts Howe's (2011) view, who emphasises the need to take account of the labour market changes and the resulting variety of regulatory approaches that might operate within the institutional setting, such as 'soft laws' and financial incentives. Similarly, Sobczak (2006:167) argues that 'labour and employment law no longer have monopoly on regulating labour relations'. There is an established view in the employment relations literature that a complex web of formal and informal rule-making processes and groups of actors are able to mediate and moderate the influence of legal regulation (Fox, 1974; Dundon and Rollinson, 2011; Farnham, 2014). Inversi et al. (2017:300) further explain that the legal instruments of delegation of regulatory authority are able to create space for other actors and account for 'ceding' of regulatory space. Therefore, the interrelation between domains in the regulatory space framework are important in order to understand the context of global employee voice.

Inversi et al. (2017) position the ILO Conventions under law domain in their regulatory space framework. In Table 1.7 the ILO Conventions represent hard law instruments at the global level (Albin and Mantouvalou, 2012). As explained in section 1.1.2, if ILO Convention is ratified, it comes into force for that member state and is legally binding. Ratifying countries are expected to apply the Convention in national law and to report on its application at regular intervals. However, the ILO has no legal authority to intervene, if they do not report (LaDou, 2020). This may be grounds for criticism of the regulatory space framework, due to ambiguity of the domains. Despite this limitation, framework helps to outline various actors at different levels of regulatory space.

The soft law at the global level is represented by private (such as Corporate Codes of Conduct) and public voluntary Corporate Social Responsibility (CSR) initiatives (e.g. the OECD Guidelines, ILO Multinational Enterprises Declaration). In the absence of international court or labour tribunal these instruments have little enforceability (Pries and Seeliger, 2013). The absence of a legal framework for industrial relations and the imbalance of power between global capital and labour are the key challenges for the development of global social dialogue (Drouin, 2008). However, as Trubek and Trubek (2005:356) argue 'soft law may be harder than you think'. Soft law refers to lack of legal enforceability, which is not the same as effectiveness (Sobczak, 2012).

Corporate Codes of Conduct are quasi-legal instruments that became wide-spread since the early 1990s. They provide for company self-regulation and set minimum labour standards for its workforce. However, whether Corporate Codes of Conduct truly represent the soft law domain is debatable due

to their quasi-legal nature, which is one of the limitations of global the regulatory space framework. From a legal perspective the Codes of Conduct are not legally enforceable. The voluntary nature of Codes of Conduct, means there is no regulatory mechanism to reinforce them, if a company fails to effectively enforce it (Weil and Mallo, 2007).

The hard law domain at the European level is occupied by the EU law, the EWC Directive 94/45/EC, the recast EWC Directive 2009/38/EC, the Information and Consultation (ICE) 2002/14/EC Directive, European Company Statute (ECS). The EWC Directive 94/45/EC was adopted on September 22, 1994 to ‘improve the right to information and consultation in community-scale undertakings’ (EWC Directive 94/45/EC, Art. 1). The recast EWC Directive 2009/38/EC was adopted in 2009.

The Information and Consultation (ICE) 2002/14/EC Directive was introduced to promote social dialogue and set minimum requirements for information and consultation of employees at the company level within each EU country. Member states can choose whether the Directive applies to undertakings with at least 50 employees or establishments with at least 20 employees. The ICE Directive requires to introduce permanent arrangements in three areas. First, employer is required to provide information relating to the activities and economic situation of the undertaking. Secondly, it is necessary to have information and consultation concerning developments of employment or threats to employment. Thirdly, management is required to inform and consult employees, with a view to reaching agreement, on decisions likely to lead to substantial changes in work organisation or contractual arrangements (Dundon et al., 2014:2). Both EU Directives on the European Works Councils and the Employee Information and Consultation have the potential to form employer tactics to employee voice as employers have to take them into account when devising employee voice strategies (Dundon et al., 2004).

European Company Statute (ECS) was adopted in October 2001. It is complemented by the Council Directive 2001/86/EC, which establishes worker involvement in the management of the ‘European companies’ – companies operating in the European Economic Area regulated by a single set of management and reporting systems (Gold and Schwimbersky, 2008). The Council Directive 2001/86/EC provides for employee involvement through a ‘representative body’ and board-level representation. Management and employee representatives through the Special Negotiating Body decide on the procedures for employee involvement (Gold and Schwimbersky, 2008). The soft law at the European level is represented by such regulatory instruments as National Action Plans (NAPs). NAPs are policy documents in which government sets out priorities and actions with regard to a specific policy area such as human rights, corporate social responsibility, women’s rights, children’s rights, climate change etc.⁴ In the field of business and human rights, a NAP is defined as an

⁴ Please see Appendix 1 Dictionary of terms.

‘evolving policy strategy developed by a state to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights’ (UN Working Group on Business and Human Rights, 2016:1).

At the national level the hard law domain is occupied by the Constitution, Acts, and the Case law in various countries. Chapter 3 analyses the national frameworks for employee voice in Sweden, Germany and France. The example of the soft law at the national level could be Corporate Governance Codes. For example, the Financial Reporting Council’s 2018 UK Corporate Governance Code, which states that companies should ensure they have effective mechanisms to engage with the workforce, in the form of worker directors, formal workforce advisory panel and/or a designated non-executive director. In the absence of these methods, the company should explain what alternative arrangements are in place and why they could be considered effective (Rees and Brione, 2021).

At the company level the hard law domain is left blank, as there are no company-level actors occupying it. Dickens (2004) argues that the role of law is over-estimated at the company level, as there are various internal and external factors that mediate the significance of legal regulation at the company level. Internal factors can include such variables as management style, Human Resource Management and company policies. External factors refer to the external context such as the state of labour market (Dickens, 2004). The example of the soft law at the company level could be codes of practice (Inversi et al., 2017).

In the regulatory space framework the hierarchical view of regulation may be replaced with an idea of interdependence between multiple actors (Scott, 2001), which makes other domains in the framework particularly important.

2. Mandated negotiation

Mandated negotiation refers to the statutory processes of agreement-making between management and employees. In different national institutional settings, these processes vary depending on the role the law plays in supporting them (Inversi, 2019). Mandated negotiation is represented by ‘statutory’ forms of information and consultation (Inversi, 2019). At the global level, the mandated negotiation domain is left blank as there are no actors occupying it. At the European level mandated negotiation is represented by the European Works Councils. From a regulatory space perspective, the adoption of the EWC Directive 94/45/EC highlighted the move of the EWCs from the voluntarist negotiation to the mandated negotiation at the European level. This means that after the EWC Directive 94/45/EC came into force, the companies that established EWCs did so ‘in the shadow of the law’ (Bercusson, 1992:185) – under mandated negotiation. Those companies that established the EWCs prior to the adoption of the EWC Directive, did so under voluntarist negotiation. This demonstrates the

permeability of the domains of the regulatory space framework, which will be discussed in more detail in Chapter 9.

An example of mandated negotiation at the company level can be found in the German model of industrial relations, where the legal framework requires employees to participate in consultation and company decision-making. In Germany it is a well-established concept and dates back to 1952 Works Constitution Act, under which works councils and company management negotiate works agreements (Keller and Kirsch, 2011). At the national level, mandated negotiation is represented by ‘statutory’ collective bargaining, which is enforced by law.

3. Voluntarist negotiation (voluntarism)

Under voluntarist negotiation, actors voluntarily arrive at their own rule-making agreement (Inversi et al., 2017). At the global level, voluntarism can take the form of International Framework Agreements (IFAs). The IFAs are negotiated voluntarily by companies and seek to commit them to accept the highest labour standards in their enterprises, improving the working conditions across various locations (Burgmann, 2016; Papadakis, 2008). Since the IFAs are negotiated and signed by Global Union Federations (GUFs), GUFs are also included as actors in the voluntarism domain. Voluntarism at the global level also takes the form of global worker bodies: Global Union Networks, World Union Councils and World Works Councils. These global worker bodies are not enforced by legislation, instead they are created through the voluntary negotiation between employee representatives, union officials and company management.

At the European level, the Social Dialogue can be an example of voluntarist negotiation. Thus, the organisations representing social partners occupy voluntarist domain at the European level: the European Trade Union Confederation (ETUC), BUSINESSEUROPE (private firms), UEAPME (small businesses) and CEEP (public employers). Voluntary Social Partnership system at national level, collective bargaining are examples of the voluntarist dimension at the national level. At the company level the examples of voluntarism include decentralised collective bargaining, non-union voice mechanisms, or individualised negotiations of employment terms and employment contract (Inversi et al., 2017).

4. Unilateralism

Unilateralism refers to imposing of regulation by a single authority without bargaining or consultation (Inversi et al., 2017). Berg et al. (2014) state that the unilateral dimension is characterised by management control. In the global regulatory space framework this dimension is highly occupied by employer-side actors. Indeed, Hancher and Moran (1989:275) outline that large companies acquire public status characteristics and ‘the corporate strategy of individual firms is a major determinant of

the directions of the regulatory process'. Multinational companies occupy unilateralism at the global level. However, in practice they play an important role at global, European and national levels, depending on the nature of their activities. Multinational companies dominate not only global economic activity but have a significant impact on national regulations. Indeed, via political power and lobbying, multinationals are able to affect political agenda, set standards, establish private regulatory systems, consultant governments, even have staff endorsed to ministers' offices (Blyton et al., 2001; Crouch, 2011).

Unilateralism can be understood as 'the imposition through coerced compliance of some regulation from a superior authority that stands above the national regulatory process' (Inversi et al., 2017:303). At the European level, an example of such unilateralism could be demonstrated by the role endorsed by the so-called 'Troika': the European Commission, the International Monetary Fund and the European Central Bank, such as imposing austerity measures on those EU member states most affected by the economic crisis (Inversi et al., 2017). Koukiadaki et al. (2016:7) outline that the national labour law and industrial relations systems in such countries as Greece, Ireland, Italy, Portugal, Romania, Slovenia and Spain have been 'radically revised' with the aim to change employment protection legislation and collective bargaining (Deakin and Koukiadaki, 2013)⁵. The intrusive measures that accompanied the financial assistance programmes received by the member states in crisis include reduction of minimum wages, extension of the working week, removal of legal support for multi-employer collective bargaining and promotion of fixed-term and temporary employment via changes in employment protection legislation (Koukiadaki et al., 2016:31). Furthermore, Bruun (2014) highlights that the Troika's approach focused on cutting wages costs, wage setting mechanisms and institutions. For more detailed discussion of how the effects of crisis, which started in financial markets and transmitted to labour markets through interventions of the 'Troika' please see Fernández Rodríguez and Martínez Lucio (2013), Koukiadaki and Kretsos (2012), Koukiadaki et al. (2016), Trif (2013).

Inversi et al. (2017) identify that at the national level unilateralism is represented by regulation by managerial, employers' and unions associations. Inversi et al. (2017:303) demonstrate this with an example of the American Chamber of Commerce based in Ireland lobbying the European government to weaken the collective aspects of the Information and Consultation (ICE) 2002/14/EC Directive. Dundon et al. (2014:29) demonstrate that in Ireland employer associations and civil servants had meetings concerning the detail of the ICE Directive exclusively, which reflects Lukes' (1974, 2005)

⁵ Where changes were introduced unilaterally by the Troika (rather than in consultation with social partners) they were more destabilising (Italy and Portugal compared to Greece and Romania, where the approach has been more impositional) (see Koukiadaki et al., 2016).

second face of power. If not counterbalanced by other actors' authority, these forms of lobbying can be viewed as an example of unilateralism. Managerial prerogative without any external interference from the trade union or other employee representation structures is an example of unilateralism. Various practices adopted by employers (e.g. union busting practices) help to avoid the collectivisation of workers preventing legitimate union recognition and representation, which shifts the balance between the actors (Inversi et al., 2017). Moreover, globalisation and deregulation lead to the 'institutional erosion', which reflects a power shift in favour of management and decline of bargaining power of unions (Doellgast and Benassi, 2014). Human Resource Management and managerial strategies at the company level can 'colonise' the regulatory space traditionally occupied by trade unions and joint decision-making mechanisms (MacKenzie and Martinez Lucio, 2014; Inversi, 2019). In contrast, unilateralism on the labour-side is limited, as the decline of unionisation has narrowed the space for unions to influence their regulatory spaces (McDonough and Dundon, 2010). While multinationals are occupying regulatory space and expanding their influence, trade unions, as regulatory actors at the global level are losing space (Barry, 2009).

The above dimensions provide an analytical framework, which incorporates all four levels of regulatory space. The main focus of this thesis is on voluntarist negotiation at the global level, represented by negotiation of the International Framework Agreement and creation of the global worker bodies. The above analysis has outlined some limitations of the framework. One such criticisms is the ambiguity of domains in the framework. Indeed, private and public CSR initiatives are voluntary, thus may not be 'law' as such. For this purpose, the adapted framework proposes to distinguish between the hard and soft law domains. Moreover, MacKenzie and Martinez Lucio (2005) outline, the jurisdictions (domains) may overlap. Therefore, it is important to note that the regulatory space is a framework, a tool that allows to map and analyse systematically various actors, levels and domains. In this thesis, it is merely a tool to ensure the consistency and coherency of analysis of a global context of employee voice, which has limited explanatory ability in itself. For this purpose, the level, form, range and degree of employee voice (Marchington et al., 1992) together with the escalator of participation, discussed earlier in this Chapter, are applied within the voluntarist domain to assess the balance of power at the global level of the regulatory space. In doing so, the regulatory space framework helps to identify the key the actors that occupy the different domains at the global level. The escalator of participation (Marchington et al., 1992) and Hyman's (1997) concepts of autonomy, legitimacy and efficacy of employee representation help to address the power distribution between these actors. This is discussed in more detail in Chapter 9. Thus, the regulatory space framework helps to picture global context for regulation of employee voice that 'can only be understood by a mapping of the complex interrelation of spaces, spheres and actors of regulation' (MacKenzie and Martinez Lucio, 2005:499).

1.3 Evolution of PhD: Aims and Objectives

The central focus of this thesis is on different pathways to global employee voice. The overriding research question is ‘What are the different pathways to global employee voice?’ Exploratory by nature, this study focuses on one such ‘pathway’ or approach – creation of global worker bodies. In particular, it analyses Global Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs) which present a significant gap in the existing literature. As a consequence, determining the existence of such bodies is a substantial task. In that context, the thesis looks at the formation, functioning and effectiveness of the global worker bodies. In line with this, the sub-questions can be summarised as following:

1. What factors determine the creation of the Global Trade Union Networks (GUNs), the World Union Councils (WUCs) and the World Works Councils (WWCs)?
2. How are these global worker bodies established?
3. How do these global worker bodies function?
4. To what extent do any of these global worker bodies facilitate meaningful employee voice?
5. What factors affect the ability of Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs) to occupy regulatory space for employee voice?

The concept of regulatory space is used to theoretically frame the GUNs, WUCs and WWCs in the global arena. Regulatory space facilitates the study of the dynamics through which key actors gain, retain and lose their regulatory positions within a regulatory arena (Black, 2002). Globalisation has generated a mismatch between the scope of the activities of multinational companies, which are increasingly global, and the scope of reach of bodies of employee representation and trade unions, which remain largely embedded at national level. This mismatch reflects disequilibrium of regulatory positions in terms of available tools of action and power, between multinational companies and labour organisations. MacDonald and Richardson (2004) identify that regulatory space concept helps to analyse the entry of a new regulatory body into an institutional field. Therefore, it is particularly useful to analyse how traditional actors may acquire or lose space while new actors (the GUNs, WUCs and WWCs) emerge to occupy and expand their regulatory space.

The thesis is structured across ten chapters, which provide the structure to theoretical contribution and empirical data to answer the research questions. The structure of the thesis follows the levels of the regulatory space framework to present a global arena for employee voice, where various actors contest and renegotiate their positions (Table 1.8). Chapter 1 provides an introduction to the thesis, outlining the theoretical framework to guide the research. It also presents the research questions and explains the key concepts. Chapter 2 and Chapter 3 outline the literature debates on the research topic.

The discussion begins with the global level, moving to the European level, followed by national and company levels. Chapter 2 attempts to answer the question ‘What are the challenges to international labour solidarity?’. It analyses main actors and instruments such as IFAs, public and private CSR initiatives occupying regulatory space at the global level. In particular it provides a discussion of the way in which global worker bodies fit within broader international union activity. By taking a closer look at how various global actors and instruments are combined, the emerging global regulatory space starts to gain more contours. A discussion on historical evolution of the EWC is presented in Chapter 3. The historical context is a fundamental feature for describing the regulatory space. Chapter 3 also discusses various external and internal factors affecting the ability of the EWCs to occupy regulatory space. Chapter 4 outlines the methodological aspects of the thesis. At the national level, three models of industrial relations are examined in Chapter 5. A study of global worker bodies entails a comparative element of the three distinct industrial relations systems in the country of headquarters (Sweden, Germany and France). Chapters 6-8 focus on the company level and are dedicated to the report of case study findings. Chapter 9 provides the discussion of the findings of the research and relates them to existing literature and debates. It provides a comparative evaluation across the three case studies. The discussion conceptualises the findings from Chapters 6, 7, 8 in the light of the regulatory space framework. When discussing effectiveness of global worker bodies such concepts as level, form, range and degree of employee voice (Marchington et al., 1992) and Hyman’s (1997) dimensions of employee representation: autonomy, legitimacy and efficacy are applied. Chapter 10 outlines the conclusions of the thesis and answers to the research questions. It provides a discussion of the empirical and theoretical contribution of the thesis and presents the limitations of the study and potential areas for future research.

Table 1.8 Structure of the thesis.

Level of analysis:	Chapters of the thesis:
Global level	Chapter 2 (Global regulatory space)
European level	Chapter 3 (European regulatory space)
National level	Chapter 5 (National worker representation frameworks)
Company level	Chapter 6, Chapter 7 and Chapter 8 (company case studies)
Discussion	Chapter 9
Conclusion	Chapter 10

1.4 Summary

This chapter provided a brief overview of contemporary international organisations, which define the institutional context of global regulatory space. Following this, global worker bodies were discussed, with particular focus on the Global Trade Union Networks, World Union Councils and the World

Works Councils, which are at the centre of this thesis. The theoretical framework underpinning this study has been presented. In particular, employee voice incorporated in industrial relations theory and concepts along with regulatory space framework have been discussed. Table 1.7 demonstrates the regulatory space framework for global employee voice and identifies the key actors occupying different levels and domains. Subsequently, this chapter has introduced the research questions and presented the outline of the thesis overall, briefly summarising the content of each chapter.

Chapter 2 Global Regulatory Space

The section starts with a brief review of the literature on international unionism dating back to the 1970s. In particular, it looks at the challenges to international labour solidarity at global and transnational levels, as well as more optimistic perspectives that have emerged more recently. The aim of this chapter is to contextualise global worker bodies within broader international trade union activity. This chapter describes the global regulatory space, presenting such actors as Global Union Federations (GUFs) and analysing various public and private CSR initiatives with particular focus on Corporate Codes of Conduct and International Framework Agreements. Following this, this chapter examines the global worker bodies at the centre of this thesis: Global Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs). This chapter argues that in the absence of the legal framework at the global level, voluntarist regulation through creation of the GUNs, the WWCs and the WUCs, as well as negotiation of the IFAs is one of the main global strategies for labour to match the reach of global capital.

2.1 Debates on International Unionism

The debate about the viable trade union responses to capital mobility has started in the USA in the 1950s and has been taken up by Western European unions in the 1960s (Olle and Schoeller, 1977). It has been largely prompted by growing foreign direct investment by US-owned multinational companies during the 1960s (Marginson, 2016b). In his seminal work, Charles Levinson (1972) advocated the development of international collective bargaining as an effective response to the pressures on host country workforces from foreign-owned companies. Levinson (1972:110-141) identified three gradual steps for unions to follow. First, unions could organise international solidarity with a union involved in a conflict in a subsidiary of a multinational. Secondly, they could coordinate collective bargaining at different subsidiaries of the same enterprise in several countries by exchanging information. Thirdly, these two activities would lead to negotiations with the management of the multinational on the basis of common demands previously defined by the different national unions, moving collective negotiations to the global level. However, during the 1970s the failure of international collective bargaining to develop led to a reassessment that outlined a number of challenges to international labour solidarity (Northrup and Rowan, 1979). Olle and Schoeller (1977) criticise Levinson's conclusion and argue that economic vision of the basis of unity offers weak alliances when interests of national unions happen to coincide. Developed country workers strive to defend their interests in the light of the threat to move production to places with cheap labour and poor working conditions. As a result, internationalism is reduced to national protectionism, when trade unions fight for national economic interests. Thus, rather than emerging in the spirit of cross-border solidarity, international unionism is often motivated by local and national interests. The degree to which the global working class was divided by national boundaries in the early 1970s was noted by

Cox (1971), who pointed out that transnational union activity was carried out only by senior officials in national unions at that time. Furthermore, managerial strategies to maintain national divisions between the employees made the labour attempts to organise internationally even more challenging. This can be illustrated with Beynon's (1984) account of Ford, where management approach for local and national bargaining prevented information exchange and international solidarity.

In 1971 Cox observed the transitionally coordinated union activity against multinationals in automobile, electronics, chemical, and air transport industries. For him, these developments meant that 'new transnational industrial structures through which labour could press for increased control not only over wages but also over all other corporate decision affecting employment in different countries in which the firm operates' could be created, if practice continued (Cox, 1971:556). However, more pessimistic accounts were drawn in the light on corporate restructuring and increasing capital mobility in the 1970s and 1980s (Haworth and Ramsay 1984; Ramsay and Haworth, 1989). Haworth and Ramsay (1986:63) indicate the union tendency of dealing mainly with consequences of managerial decisions when they concern jobs, wages and other conditions of employment, the so-called 'reactive conservatism'. This means that unions are not taking initiative, 'tail-ending' management (Haworth, 1982). The success of union's workplace-based response is conditioned on the plant's viability in management strategy. Haworth and Ramsay (1986:64) conclude that 'there would need to be a major revolution in union attitudes before a more positive outlook on developments is likely through existing channels on any significant scale'.

Looking at the European level, Marginson (1992) argues that prospects of trade union organisation across borders to emerge are higher where similar products and services are produced or where production activities are integrated across locations. Moreover, unions have a better chance of international organising where the same activity is carried in different locations, as links between different parts of the company are evident to workers and similar working environments are shared. The prospects are greater also where unions are able to create an encompassing organisation covering all affiliates in an enterprise and where effective trade union organisation exists nationally at the company level. However, trade union organisation across borders can be constrained by other factors, despite the favourable conditions discussed above. Northrup et al. (1988), for example, when analysing the multinational union-management consultation in Europe, outlines that despite management support being an important condition, it is not a sufficient one. Indeed, 'co-ordinating the methods of employee representation and even selecting which representatives are to participate appear to have presented major challenges', where different unions organise different sites of the enterprise within any particular country (Northrup et al., 1988: 354). Thus, even in Europe, where trade union cooperation has been arguably the most developed, there are doubts of the viability of international trade union cooperation.

Ramsay (1999) states that pessimism towards the development of international unionism is grounded in three kinds of reasoning related to actors, institutions and contexts. At the actor level, workers are presented with employer opposition and limited financial and organisational resources of their unions. Moreover, there is lack of solidarity with workers in other countries, who are viewed as competitors rather than colleagues sharing the same conditions. At the institutional level, there is significant variability of industrial relations across national systems. There is in fact, no legal basis for international trade union action and in most countries national labour law prohibits organising a strike in solidarity with foreign workers (Marginson and Meardi, 2010). The unfavourable contextual factors make it difficult to have international solidarity between workers who may have very different concerns. Ramsay (1999) highlights dominant free-market ideology and governments' dependence on foreign capital, which prevents development of stronger international regulation of multinational companies.

Gordon and Turner (2000) summarise various institutional and political barriers to international trade unionism, which include the reluctance of national unions to lose their autonomy to international organisations, financial constraints of supporting foreign strikes, and preoccupation with national and local problems, resulting in a lack of time and/or interest in international solidarity. There are legal constraints for international solidarity, ideological splits (less important with the end of the cold war), variations in union structure and national industrial relations systems, which make certain approaches more suitable to one country but ineffective in another. In addition, Ramsay (1997:508) identifies the key challenges to international labour solidarity as the 'incompatible interests of different labour movements, especially between the developed and less developed countries; the lack of consonant legal frameworks and collective bargaining practice between countries, making coordination extremely difficult; and absence of more than token membership interest in international solidarity'.

Moreover, just as employer opposition is often the key barrier to revitalising national labour movements, the opposition of the multinational company is one of the key obstacles to international trade union collaboration (Gordon and Turner, 2000). Employer tactics to prevent international solidarity include withholding information and causing workforces in different countries to compete with each other. Lack of accurate information about multinational companies is another key challenge for international union collaboration. Ramsay (2000:27) outlines that relying on a monolithic 'black box' view of a multinational is not helpful, as it portrays the employer as invincible in the absence of coordinated labour movement. Demanding information or making a multinational 'transparent' is the first step for unions on the international arena (Latta and Bellace, 1983).

Although these obstacles still retain much of their force, more optimistic perspectives have been developed more recently. Gajewska (2009) in her book 'Transnational Labour Solidarity. Mechanisms

of Commitment to Cooperation within the European Trade Union Movement' analyses four case studies that demonstrate examples of cooperation and transnational solidarity in Europe. She demonstrates that the experience of cooperation further reinforces solidarity and thus concludes that the case studies discussed in her book, although seemingly exceptional, constitute the beginning of change. Moreover, Gajewska (2009) argues that the processes of realising the threat of employer, which transforms the relations between the actors, can predict cooperation. The need to react makes trade unions re-think their strategic actions and search for solutions, which leads to interaction that is inherent in this process. Thus, she concludes, the relations between the trade unions and not the attitudes should be seen as a source of cooperation and solidarity.

Bronfenbrenner (2007) highlights the fact that labour movement is divided within and across borders, sectors and regions. The ability to mediate between both these different interests depends not only on the global solidarity between unions but on building relationships between unions at every level: company, national, European and global. This 'articulation of levels' (Waddington, 2011) is paramount to the future of global unionism. However, as Tattersall (2007) explains these relationships that trade unions develop with other unions and their allies should be two-way and need to involve mutual interests and values. Similarly, Greer and Hauptmeier (2012) highlight the importance of union leaders' 'identity work', which refers to framing and sustaining of collective interests and problems. Sustaining multiple identities: local, national, transnational, developing shared norms and goals, and strengthening of social ties help to develop labour transnationalism and sustain it despite the conflicts of material interests. This resembles Kay's (2011:27) definition of labour internationalism, which is viewed as 'a process of relationship and institution building. Using the transnational relationship as a unit of analysis illuminates labour transnationalism not only as an outcome but also as a process of creating a transnational union culture based on cooperative complementary identities – defined as shared recognition of mutual interest coupled with a commitment to joint action'.

It is not surprising that Levison's (1972) prediction for unions to develop international collective bargaining did not materialise in the environment, where labour movement is divided within and across borders. The move to the international centre of decision-making raises questions about the distribution of power among the national and international unions (Rojot, 2006). Development of international collective bargaining essentially depends on the working class solidarity, which is constrained by various obstacles discussed above. As Rojot (2006) demonstrates, beyond symbolic demonstrations, there is lack of reactions from unions to plant closures and transfer of production by multinationals. Even in the case of the famous Vilvoorde plant closure, workers went to work in the new Hoover plant and the Vilvoorde plant is now closed. Rojot (2006) argues that international unions have never demonstrated the power to push the reluctant employers to sit at the negotiating

table, which may explain why outside of Europe the international collective bargaining is almost non-existent. One exception is the maritime shipping, which is the most significant case of transnational union bargaining coordination (Lillie, 2004). The International Transport Workers' Federation (ITF) represents seafarers not as national citizens, whose wages are based on local economic conditions, but rather as members of 'global profession' (Anner et al., 2006:16). Thus, seafarers have the right to a minimum wage based on the skill rather than national origin. This is backed by industrial campaign to use industrial leverage to influence the labour market. The ITF and the International Maritime Employers' Committee (global employers' federation) negotiate over pay scales for seafarers under Flags of Convenience system. These global wage bargaining set the patterns for pay, standards of accommodation and working conditions for the global seafaring workforce and was achieved by building inter-union consensus on a wage rate between developed and developing countries (Lillie, 2004). This requires a negotiated order between affiliates. Under the threat of competition, unions are under pressure to compete to win jobs for their members, but they almost universally agree that an agreed minimum wage should exist. The ITF agreement is enforced through port inspections and the threat of industrial action (Anner et al., 2006). If the ship owner refuses the inspection and does not hand over wage accounts of the crew members, the dockers, who are the members of unions also affiliated to the ITF, refuse to load or unload the ship (Lillie, 2004). Moreover, since the Maritime Labour Convention (2006) came into force in 2013, labour disputes have attained a unified international framework to shape the governing laws (Cheng and Shan, 2016).

The case of the maritime shipping demonstrates that competition does not always prevent international union cooperation from developing into international collective bargaining (Anner et al., 2006). In fact, competition can motivate cooperation. Moreover, the Flag of Convenience system created an international labour market, whose regulation is beyond the control of national unions (Lillie, 2004). National unions accepted a shift of control to the ITF in order to avoid a complete loss of any authority over working conditions. The ITF resolving conflicting interests by negotiating between the unions, prevents employers from playing off groups of workers against each other (Anner et al., 2006). The highly integrated nature of the maritime industry at the global level is the key factor explaining the success of the ITF campaign for international collective bargaining (Bourque, 2008).

Since the early 1990s, unions have expanded their repertoire of international activities. Even sceptics argue that there is a sense of a coherent global 'movement', despite the lack of consensus on some specific issues (Lillie and Martínez Lucio, 2012). Lillie and Greer (2007:557) state that building an effective counterforce to global capital means 'an open-ended process involving workplace, national and transnational layers, rather than the nationally bounded process involving mutually reinforcing institutions, norms, and strategies'. The lack of global regulation to offer substantial labour protection has prompted scholars to look for more actor-centred approaches (Lillie and Martínez Lucio, 2004).

The institutional structure of international unionism is becoming more substantial, with Global Union Federations (GUFs) becoming more experienced and well-resourced. Two key global trade union strategies that have companies as a point of departure are International Framework Agreements (IFAs) and building networks between trade unions organising within the company, which are considered as one of the most innovative developments taken by trade unions to counterbalance the growing power of multinationals (Barton and Fairbrother, 2009; Bronfenbrenner, 2007; Dufour-Poirier and Hennebert, 2015; Bourque et al., 2018). The development of trade union links within the multinational can take the form of Global Trade Union Networks (organised unilaterally by the GUF or together with management) or World Union Councils and World Works Councils. Several scholars have argued that these global worker bodies are well-suited to reinstate global labour solidarity (Steiert, 2001; Müller et al., 2006). The creation of global worker bodies is part of the strategy of Global Union Federations, together with the negotiation of the IFAs. IndustriALL Global states in its Action Plan that it: ‘engages in active dialogue with multinational companies to build strong industrial relationships that enable union concerns to be raised at all levels of the company and its supply chain. This includes the establishment of world works councils to promote cross-border exchange and coordination of workers at locations worldwide’ (IndustriALL Global, 2016a).

Bronfenbrenner (2007) argues that the amount of money required to bring workers from the different countries together on a regular basis is beyond financial resources of national unions and GUFs. Therefore, these worker bodies possess one important advantage – they are usually funded by the companies (with the exception when company does not recognise the GUN). However, this is a double-edged sword, as the stability of these bodies largely depends on the management goodwill and support. Bronfenbrenner (2007) also argues that since global bodies are multinational based, they can segment the labour force. Therefore, she advocates for the creation of bodies in which the GUFs and/or major national unions play a key role. In the next sections, the negotiation of the IFAs and development of global worker bodies are discussed in more detail.

2.2 Global Union Federations and International Framework Agreements

Global Union Federations (GUFs) represent the largest membership organisations in the world and are among the most important actors in the attempts to globalise industrial relations (Croucher and Cotton, 2011; Ford and Gillan, 2015). GUFs ‘are at the junction of complex social and political interactions in which they are only one actor. Their role must this be conceived in relation to other local, national and regional levels’ (Hennebert and Bourque, 2011:158). Trade unions have different motives for involvement at the global level. Logue (1980) suggests that unions engage internationally to meet the short-term economic interests of their members, which presents an economic motive. Another potential motive for international organisation could be political considerations. In Hyman’s (2005) argument, political logic seems best to explain the development of cross-sectoral global

organisation, while a more economic motive is reflected in the history of the GUFs. Institutional explanation suggests that unions seek to enhance institutional power resources and within union, international work can be viewed as ‘prestigious’ (Gumbrell-McCormick and Hyman, 2013). An alternative explanation could be offered by Visser’s (1998) ‘push’ and ‘pull’ factors. From this perspective, the national unions may be ‘pushed’ to engage in global activity by economic forces such as globalisation or political factors such as European integration. In addition, they may be ‘pulled’ by opportunities and resources such as status and legitimacy available at the global level.

Local trade unions can only provide ad hoc responses to decisions taken as a result of strategies of multinational companies, so ‘developing a truly international force has become a condition for national trade union survival’ (Levinson 1972:141). However, cooperation at the global level is extremely difficult due to cultural, organisational and political differences between unions making international solidarity a challenging task. Interestingly, international solidarity itself, can be considered in two contrasting senses. It could be conceived as a moral principle, which creates an obligation to support other workers in case of need and as a form of self-interest driven by the belief that ‘an injury to one is an injury to all’ (Cotton and Gumbrell-McCormick, 2012:709). The tension between these definitions of solidarity creates a dilemma for GUFs, because the practical benefits of international solidarity are often difficult to identify and could take time to give positive results. Moreover, GUFs are faced with a choice over the orientation of their action, which could be internal and external. Internal is focused around the sector or industry level and external orientation is focused on action at a more general and political level.

The GUF’s activities could be divided into three main categories: creating space for local unions, defending space for local unions and demonstrating to unions how to move into space (Croucher and Cotton, 2011). This is achieved through a number of methods, as demonstrated in the Table 2.1 below.

Table 2.1 Functions of Global Union Federations (Croucher and Cotton, 2011:8).

Functions:	Methods:
Create space for local unions	Negotiation of the IFAs and Solidarity work
Defend space for local unions	Solidarity work
Demonstrate to unions how to exploit space	Education and information activities

According to Croucher and Cotton’s (2011) categorisation, GUFs can create space in which local unions operate through collective bargaining. GUFs can also defend the existing space protecting the basic rights through implementation and monitoring of the IFAs. The GUFs can also help union move

into space by improving their capacities through education and information activities. Analysing scope and character of union activity, GUFs can be further categorised into five types or ‘functional profiles’ in terms of their scope and nature of activities (Müller and Platzer, 2018:308). This is summarised in Table 2.2.

Table 2.2 Functional profiles of GUFs (Müller and Platzer, 2018:308).

Functional profile:	Scope and character of decision-making activity:
Information provider	Information exchange, Limited and issue-specific cooperation and agreement on positions.
Forum	Regular and formalised exchange of information, Continuous agreement and communication of positions, Scope for exchange to improve mutual understanding.
Coordination platform	Negotiation of non-binding decisions, Regulated and structured agreement on joint positions, Standardisation of operational agreements (such as model agreements), Agreements on positions with ‘soft’ orientation for affiliated organisations.
Associative governance	Establishment of binding joint decisions, Standardisation of operational objectives (collective bargaining, coordination rules on relations with employers), Case-by-case limited mandate for transnational negotiations (by topic/time), Establishment of mechanisms of implementing and monitoring decisions, Establishment of internal procedures and transparency.
Supranational trade union	Hierarchical control, Wide-ranging powers and mandates, Continuous autonomous exercise of core trade union functions (collective bargaining, coordination rules on relations with employers).

The theoretical categorisation provided by Müller and Platzer (2018) can be applied to the GUF at the centre of this thesis – the IndustriALL Global Union (IndustriALL Global). In terms of the global regulatory space for employee voice, IndustriALL Global fulfils mainly the ‘forum’ and ‘associative governance’ functions specifically for unions operating in the metalworking sector. It operates as a ‘forum’, providing regular and formalised exchange of information between the company and workers, with aim to achieve mutual understanding. It also facilitates networking and cooperation

between national trade unions across different locations. It fulfils the ‘associate governance’ role, promoting and negotiating the IFAs, and facilitates the creation of global worker bodies. IndustriALL Global also provides support and help in the operation of these global worker bodies. However, as Hyman and Gumbrell-McCormick (2020) explain for GUF’s objectives to be translated into practice, they need active commitment of the affiliated unions and their members and employee representatives to present united front to global capital.

As outlined above, one of the GUFs’ primary aims is to establish formal mechanisms of engagement with multinational companies by negotiation of the International Framework Agreements (IFAs). Through implementation of IFAs, GUFs, employee representatives and management attempt to achieve several goals: (a) ensure compliance with the ILO’s Core Labour Conventions; (b) recognise the relevant GUF; (c) provide conflict resolution mechanisms and (d) achieve international solidarity (Fichter et al., 2011a).

From a historical perspective, origins of IFAs, can be traced back to the 1960s. At that time, GUFs (at that time called International Trade Secretariats) encouraged the negotiation of the IFAs as a response to the growing influence of multinational companies. The aim was to prevent the fragmentation of the movement and effective bargaining with multinational companies (Gallin, 2008). In the 1970s, a number of attempts at regulation at the international level took place. The OECD Guidelines for Multinational Enterprises were adopted in 1976. This was followed by the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the ILO in 1977. At the European level, the European Commission introduced a series of initiatives, including a proposal for the ‘Vredeling’ Directive. These initiatives led to the adoption of the European Works Council Directive in 1994. Interestingly, the adoption of the European Works Council Directive has played an important and often underestimated role in the emergence of the IFAs (da Costa and Rehfeldt 2008). According to Telljohann et al. (2009a), the role of EWCs and the development of union strategies at the national, European and global levels explain why multinational companies have become more willing to sign the IFAs. Another important factor was the development of the company Codes of Conduct, which demonstrated company’s interest in the corporate social responsibility initiatives. Indeed, the company’s strategy and sometimes the personality of its managers were also the key factors. The development of coordinated human resource practices at the global level, and during critical incidents such as global restructuring, made management more interested in signing the IFAs (Telljohann et al., 2009a).

However, it is important to note that the IFAs do not meet the classic definitions of international collective bargaining (Rojot, 2006) and should not be conflated. As explained in the previous section the international collective bargaining has not developed outside of Europe (with an exception of the

maritime sector). Interestingly, some scholars suggest that diffusion of IFAs in the same sector could facilitate the creation of favourable conditions for negotiation of international sector-based agreements similar to the ITF-IMEC (International Maritime Employers' Council) agreement in maritime shipping (Bourque, 2008). However, as discussed in the previous section, the developments by the ITF depend on the international union solidarity, which is essential to impose on employers the obligation to negotiate wages and working conditions with unions and reduce wage gaps between workers internationally (Bourque, 2008).

Recent figures suggest that to date more than 100 IFAs have been signed, mostly by European multinationals (European Commission, 2019). In addition to self-regulation of relation between labour and management, the IFAs aim to promote compliance with the ILO's Core Labour Conventions, often by direct reference to them. The recognition of fundamental rights is key for workers outside the EU, but can also benefit workers in the EU. It contributes to the defining of minimum labour standards and thus to the fight against social dumping (Schömann et al., 2008). The pace of adoption of the IFAs and the emphasis on the ILO Conventions and standards in the texts of the agreements demonstrate that IFAs acknowledge GUFs as the key counterpart of multinationals. However, the IFAs are also 'mainstreaming' the ILO regulatory body into the company's human resources culture (Papadakis, 2011). The increasing importance of the IFAs results in the voluntary initiatives of corporate social responsibility migrating from a management driven approach (such as Corporate Codes of Conduct) to an approach where global worker bodies and GUFs become the key actors.

Hammer (2005) draws analytical distinction between the 'bargaining' and 'rights' IFAs, which relates to the conclusion, content and procedure of these agreements. Whereas some IFAs may establish fundamental rights and constitute a starting point, there are others that come much closer to bargaining agreements. The 'bargaining' agreements contain a much more detailed provisions about regular meetings, deal with a range of issues such as monitoring and compliance mechanisms and are meant to be renegotiated or extended after a certain period. In contrast, 'rights' agreements could be observed in areas where union is weak and employer's practices are hostile. The 'rights' agreements focus on securing organising rights in the first place, constituting the precondition for bargaining (Hammer, 2005). However, 'rights' agreement does not prevent further evolution of the IFA after the signature. The first IFA signed by Danone and the IUF could be seen as classic 'rights' agreement, which recognised the right to bring up issues with management and conditions for social dialogue (Hammer, 2005). A further set of agreements at Danone created a context for regular negotiation over a broader range of issues and developed it further into the 'rights' domain (Wills, 2002). Most IFAs include some form of enforcement and monitoring mechanisms, which are controlled by joint review bodies (Fichter et al., 2007).

From a union perspective the IFAs have labour cooperation across borders at their centre, which could lead to more democratic industrial relations (Papadakis, 2011). From a management perspective, however, the IFAs have a number of consequences. A survey of management perceptions of the impact of the IFAs by the ILO identified several important findings. First, it could help raise levels of trust in relations between labour and management and improve company's credibility in eyes of shareholders and investors. However, the study concluded that IFAs have limited influence on increases in market share, productivity and innovation (ILO, 2010). The survey also found that monitoring of the IFAs is largely informal, consisting of meetings between labour and management, which are often between the Chief Executive Officer (CEO) of the company and the GUF general secretary. However, to some extent institutionalisation occurs as a result of the operation of the EWCs and global worker bodies that monitor IFAs' implementation (ILO, 2010). Interestingly, in management view, after the IFA has been negotiated, company could not question its commitment to the IFA, as it would result in worsening relations with workers and the public. A major challenge in implementation of the IFAs is the perception among managers of foreign sites that they should operate independently without interference from headquarters, which rarely involve such managers in negotiation and implementation of the IFAs. Findings also demonstrated that national laws are one of the key challenges for successful IFA implementation (ILO, 2010).

Wilke and Schütze (2008) outline a connection between the IFAs and development of global worker bodies. They view the IFAs as potential 'stepping stones towards World Works Councils' (Wilke and Schütze, 2008:11). For example, at Bosch, the IFA was negotiated in 2004, which was closely connected to global cooperation projects. In 2006 the first Bosch Workers' World Conference took place, which included employee representatives from China (Voss, 2008a). At Leoni the IFA promoted the international cooperation and networking of employee representatives and trade unions. In 2005, a workshop focusing on the implementation of the Leoni agreement took place in Germany with representatives from EU countries, but also a representative from Tunisia (Voss, 2008b). However, Wilke and Schütze (2008) fail to clearly explain the relationship between the IFAs and global worker bodies.

2.2.1 Criticisms of International Framework Agreements

Scepticism towards IFAs has increased in recent years, with both national and global union organisations highlighting their weaknesses and issues in enforcing them (Fichter and McCallum, 2015). Pries and Seeliger (2013:37) argue that a simple 'window-dressing approach' pursued by management will not help to introduce long-term changes, as IFA's implementation must be actually carried out for it to take effect. Moreover, the integration of GUFs is vital for the coordination of IFAs in a cross-border context. This might not always be sustainable due to limited resources of some GUFs. A third criticism outlined by Pries and Seeliger (2013) refers to the voluntary nature of IFAs,

which are not legally enforceable. A final point refers to the inclusive character of IFAs. The IFAs do not include a significant proportion of workers in the supply chains that are not unionised. Therefore, there is a danger that IFAs could lead to the privileging of strongly unionised workers, excluding those who are unable to effectively organise (Pries and Seeliger, 2013).

Another criticism comes from the business-friendly nature of the IFAs. Implementation of the IFAs is often based on the tradition of the ILO standards, but also links to the idea of increasing efficiency through these standards. For instance, IKEA in its IFA (which follows the company Code of Conduct), links achievement of high environmental and labour standards to business efficiency (Christopherson and Lillie, 2005). If it turns out that these standards in practice do not lead to higher profits, the case for following labour standards can become potentially unattractive for the company. In that regard, negotiation of the IFA is not necessarily an attempt by multinational companies to improve labour standards. Instead, it can be viewed as an attempt to define and limit the terms of debate by colonising the regulatory space with a business-friendly instruments, and to enter and exploit niche markets for socially responsible consumers. Therefore, some IFAs view respecting the ILO's Core Labour Conventions as a strategy, which is conditional on it being more favourable than not respecting these human rights (Lillie, 2008).

One of the most significant limitations of IFAs is that they tend to be concentrated mainly in European-based companies in industries where European-based unions and GUFs have the most influence, such as automotive and transportation industries (Stavis and Boswell, 2007; Telljohann et al., 2009b). From the trade union perspective, the dissemination of IFAs to countries outside Europe is challenging (Telljohann et al., 2009b). Moreover, most GUFs have not made a priority of expanding IFAs to include the full range of the company's operations outside Europe. To make IFAs more effective they need to be linked with comprehensive campaigns and include the full company's operations. Another limitation of IFAs is that national unions and GUFs tend to look to them as substitutes for the building of a global labour movement (Bronfenbrenner, 2007). As Bronfenbrenner (2007) has demonstrated in her book, for IFAs to be effective they need to be enforced by networks of workers, unions and NGOs through local, national, and global actions in the company. Education is central to the development of these networks (Gunawardana, 2007; Turnbull, 2007).

Another challenge for trade unions is the establishment of effective monitoring mechanisms for IFAs. Telljohann et al. (2009b) explains that this is achieved through monitoring by workers themselves through their unions. However, this requires existence of trade unions in all the company's sites. As Telljohann et al. (2009b:55) highlights: 'this amounts to a "chicken and egg" dilemma: it is frequently not until the fundamental trade union rights detailed in an IFA have been successfully implemented that trade union organisation is even possible'. In practice, creation and recognition of a trade union is

often a goal of an IFA and thus may not always be relied upon as a prerequisite for monitoring its implementation in the first place.

In sum, the IFAs present both opportunities and challenges for labour. The IFAs are often used by the GUFs that aim to secure their own acceptance and achieve recognition of the ILO's Core Labour Conventions (Fichter et al., 2011b). The IFAs are often complementary measures to a company-level body, such as an EWC and/or a global worker body. However, whether the IFAs themselves are preventing a push for enforceable international regulation is not yet clear (Waterman and Timms, 2004). As Croucher and Cotton (2009:68) explain, 'it seems more important to help trade unionists to operate both technically and politically within multinationals than attempt to create agreements they cannot use'.

2.3 Private and Public Voluntary Social Responsibility Initiatives

2.3.1 Public Voluntary Social Responsibility Initiatives

The current social responsibility landscape is complex and multi-faceted with hundreds of private and public initiatives, which offer guidance on social and environmental issues (OECD, 2009). Their focus, membership, usage, and structures vary significantly. Their main aim is to help enhance the contribution that companies can make to improve social and environmental conditions, including labour and human rights. Since existing instruments evolve and new ones are emerging, a detailed discussion of each of these initiatives is beyond the focus of this thesis. Instead, this section provides the broad spectrum of existing initiatives, distinguishing between private and public initiatives. A particular emphasis is placed on the Corporate Codes of Conduct, which are discussed in more detail in a separate sub-section. Corporate Codes of Conduct occupy the soft law domain at the global level of the regulatory space framework.

Government has an important role to play in helping to shape the understanding of what is generally expected of companies. There are four channels by which governments have endorsed standards relevant to CSR. First, there are international instruments developed and formally agreed by governments, which also have formal support from business and labour organisations. In this category, there are two leading instruments: the ILO Declaration and the OECD Guidelines. Secondly, there are international initiatives developed by intergovernmental bodies, such as the UN Global Compact. Moreover, there are international initiatives endorsed by governments. Due to the voluntary nature of private CSR initiatives, governments mostly have not taken an active role in their development. Nonetheless, there is a category where intergovernmental organisations have played an active role, and/or where governments have recognised essentially non-government initiatives. Instruments in this category include the International Organisation for Standardisation (ISO) standards

and the Global Reporting Initiative (GRI) Guidelines. Lastly, there are national initiatives developed and endorsed by government, such as the Ethical Trading Initiative, founded with the UK support (OECD, 2009).

Among these, however, the ILO Declaration, the OECD Guidelines and the UN Global Compact are the key instruments, as they tend to be the most used in company-developed guidance materials (OECD, 2009). More importantly, the direct links with governments as well as their high level of business and worker organisation engagement sets them apart. Table 2.3 provides a brief overview of the ILO Declaration, the OECD Guidelines and the UN Global Compact. On labour issues, the ILO Declaration, the OECD Guidelines and the UN Global Compact offer guidance on the internationally-agreed labour standards applicable in the workplace. They are based on ILO Conventions and Recommendations. While these initiatives have been developed as ‘stand alone’ tools, companies may use them complementary. For example, a company participating in the UN Global Compact can use the ILO Declaration and the OECD Guidelines to deepen its understanding of the issues involved in the four UN Global Compact labour principles.

Table 2.3 Overview of the ILO Declaration, the OECD Guidelines and the UN Global Compact (OECD, 2009:241).

Public CSR initiative	Level	Adoption	Treaty driven	Social partner
ILO Multinational Enterprises Declaration	Global	The revised Declaration was adopted in 1977, and revised in 2000 and 2006 by the ILO.	References include the Universal Declaration of Human Rights, the ILO Declaration of Fundamental Principles and Rights of Work, the ILO fundamental Conventions.	The ILO is a tripartite body, where employer and worker organisations are formal partners.
OECD Multinational Guidelines	Global	In 2019, the Croatia became a the 49th country to adhere to the Guidelines. The adherence procedure of two additional countries, Bulgaria	The Universal Declaration on Human Rights; the ILO Declaration of Fundamental Principles and Rights at Work; the Rio Declaration on Environment and	Companies and trade union bodies were involved in development of the Guidelines and have formally

		and Uruguay, started in 2019.	Development and Agenda 21; and the Copenhagen Declaration for Social Development.	endorsed them as an important reference point.
UN Global Compact	Global	Initially an initiative of the UN Secretary-General, the UN Global Compact has since been repeatedly recognised by the UN General Assembly.	The Universal Declaration of Human Rights; The Rio Declaration on Environment and Development; and the UN Convention Against Corruption. The four labour principles come from the ILO Declaration on Fundamental Principles and Rights of Work.	Business, employee organisation and other civil society organisations are involved in governance and advisory roles.

2.3.2 Private Voluntary Social Responsibility Initiatives

Table 2.4 presents a broad classification by ILO (cited in OECD, 2009) of existing private social responsibility initiatives, that are voluntarily adopted by companies in order to uphold, monitor and improve social and environmental performance. Some initiatives, such as Global Reporting Initiative may appear in several categories. For example, it falls under the multi-stakeholder initiatives, but its sector supplements (e.g. Automotive, Electric Utilities, Financial Services, Mining and Metals, Public Agency, Telecommunications) also fall under sectoral initiatives (OECD, 2009).

Table 2.4 Broad classification of private social responsibility initiatives (based on OECD, 2009:238-239).

Type:	Description:	Examples:
Corporate Codes of Conduct	Codes of conduct are directive statements providing guidance and prohibit certain kinds of conduct. Some are used to guide a company's own environmental and social impact, others focus on the impacts of their suppliers, others apply to both.	Majority of multinationals have a Code of Conduct, e.g. IKEA Code of Conduct.

Multi stakeholder Initiatives	Multi stakeholder initiatives involve cooperation in varying degrees between many social partners, including companies, worker and employer organisations, NGOs, governments, or some combination thereof. Such an initiative may address a specific issue (social, environment, etc.) or include the whole range of CSR issues. May be focused on a specific region or a specific sector.	Global Reporting Initiative; Ethical Trading Initiative; ISO 26000 Social Responsibility Standard.
Certification and Labelling	These initiatives aim to offer consumers and businesses with what is viewed as reliable information to make purchasing decisions. These initiatives usually cover a single issue, such as child labour, but could also address a range of topics. Certification is subject to social auditing, which is carried out by accredited audit companies.	Eco-Management and Audit Scheme.
Model Codes	Model codes are codes of conduct set by a multistakeholder initiative, NGO, trade union, which companies can build on in developing their own codes. Model codes aim to establish a minimum list of standards that all Codes of Conduct covering certain issues must address. They also assist trade union organisations in negotiations with companies and in working with NGOs in campaigns on Codes of Conduct.	ITUC Basic Code of Labour Practice.
Sectoral Initiatives	These initiatives address widespread issues in a specific sector (within a country, regionally or internationally) and provide a common approach in direct operations or in dealing with supply chain management. These initiatives may be led by business or multi stakeholder. Some focus on raising awareness, but most involve an industry wide code of conduct to which businesses commit.	Responsible Care (chemical industry).
International Framework Agreements (IFAs)	Agreements negotiated jointly by national trade unions and global union federations with multinational companies (placed in voluntarism domain). They aim at ensuring that the company concerned respects the same labour standards in all the countries where it operates as well as throughout its supply chain.	In 2019 there were more than 100 IFAs signed, mostly by European multinationals.
Socially Responsible Investment	Historically, these initiatives have focused on financial institutions' own operations, but increasingly, initiatives are	UN Principles for Responsible Investment.

	focusing on social responsibility concerning investment decisions.	
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2.3.3 Corporate Codes of Conduct

Multinational companies have increasingly taken steps aimed at demonstrating their commitment to social responsibility in response to concerns raised by trade unions, NGOs and international organisations such as the OECD, the ILO, or the UN (Schömann et al., 2008). As a result, privatised forms of labour standards regulation have been developed to provide an alternative to regulation through national legislation and international institutions (Block et al., 2001).

One significant development has been the adoption of Corporate Codes of Conduct. Companies design the Codes of Conduct to provide for minimum labour standards for their workforce. These Corporate Codes of Conduct fall under the private voluntary social responsibility initiatives, discussed in the previous section. As a form of privatised labour regulation, the scope, content, and practices incorporated within the Codes of Conduct vary significantly (Reich, 2005). Bondy et al. (2004) identify three types of tone for Codes of Conduct. These are punitive, principles, and commitments, based on the language used and the sanctions for noncompliance (Table 2.5).

Table 2.5 Types of tone in Codes of Conduct (own compilation based on Bondy et al., 2004).

Type of Code of Conduct	Language and appearance of sanctions or threat of sanctions for noncompliance
Punitive	Use such language as ‘shall’, ‘will’, ‘required’, ‘not permitted’. Incorporate sanctions or threat of sanctions.
Principles	Broad general statement to engage in Corporate social responsibility (CSR) typically with certain stakeholders. Little detail on how and why company wants to engage in this way. No sanctions or threat of sanctions.
Commitments	Specific statements with clear formal commitments and intended actions or behaviours. No sanctions or threat of sanctions.

Punitive Codes take on a quasi-legal role as one of the instruments for compliance and ensuring consistency across all company’s operations. In contrast, principles Codes are more general indications of company’s intent to engage in CSR with no clear sanctions for non-compliance. Commitment Codes are more specific than principles Codes. Company’s commitments are more formalised and intended actions are identified in these Codes of Conduct (Bondy et al., 2004).

Avoiding interference by government is a frequently noted reason for companies to adopt voluntary Codes of Conduct. Companies are believed to engage in voluntary initiatives to avoid government legislation (Diller, 1999) or to escape government pressure to adopt public social responsibility initiatives such as the OECD Guidelines for Multinational Enterprises (Aaronson and Reeves, 2002). Research identifies a number of issues associated with Codes of Conduct, in particular due to their voluntary nature, the lack of consistency in their content, and weak enforcement mechanisms (Pearson and Seyfang, 2001; Frenkel and Kim, 2004). The Codes of Conduct are supported by the assumption that if a company is involved in developing it, they are more likely to follow it. However, due to their voluntary nature, if a company fails to effectively enforce a Code of Conduct, there is no regulatory mechanism to force the company to do so (Weil and Mallo, 2007). Therefore, even when a Code of Conduct is adopted, violations may persist within the company and in a wider supply chain.

The criticisms of Codes of Conduct encouraged the development of alternative models of global labour regulation. Trade unions outline the major weakness of Codes of Conduct to be the lack of labour involvement in their design and implementation. Therefore, the IFAs have emerged as a global labour regulation approach, which aims to improve this fundamental weakness of Codes of Conduct (Thomas, 2011). When comparing Corporate Codes of Conduct to the IFAs, Codes of Conduct are clearly management driven initiative and have a more limited role in the company's social dialogue (Schömann et al, 2008). In contrast to Codes of Conduct, the IFAs tend to specify such provisions as trade union rights, collective bargaining rights, and information and consultation, primarily due to joint company-union responsibility for the drafting of the IFA. Thus, the IFAs tend to focus on labour rights and industrial relations, while Codes of Conduct have a much broader scope. However, both IFAs and Codes of Conduct may outline such rights as equal opportunities, health and safety, decent wages and the banning of child and forced labour. Another difference between the IFAs and Codes of Conduct is related to the implementation and monitoring measures, as the IFAs allow unions to monitor the implementation. Carley (2005) demonstrates that the IFAs, unlike Codes of Conduct, usually include procedures whereby the signatories jointly monitor and discuss implementation. This joint monitoring and union involvement in implementation are often the key characteristics of these agreements (Fairbrother and Hammer, 2005).

On the other hand, one argument in favour of Codes of Conduct is that they can accommodate a lack of local unions in certain regions (Ählström and Egels-Zandén, 2007). Indeed, due to low level of unionisation in certain regions, negotiation of the IFAs is not possible. Moreover, Codes of Conduct can be viewed as a first step to unionisation, as most Codes include a clause allowing and supporting employees to organise themselves in a union (Frenkel and Kim, 2004).

Table 2.6 Evaluation of Codes of Conduct and the IFAs (based on Egels-Zandén and Hyllman, 2007:210, 216).

Component:	Codes of Conduct	IFA
Shared sovereignty – the formal right to shared decisions-making power		X
Participation – the right of employees to exercise their sovereignty both directly and through a specific body (EWC or a global worker body)		X
Access to information and education – the access to managerial level information and an opportunity to learn new skills that will enable employee to better use this information		X
Guaranteed individual rights – the existence of individual rights such as freedom of speech and assembly, freedom from discrimination etc.	X	X
Minimum standards – the material wellbeing necessary for economic and social security and independence. This includes protection from the arbitrary use of authority	X	X
Right to fair share of value – the right of employees to claim a part of the surplus value created by their work, comparable to the claim made by the firm’s owners		

Egels-Zandén and Hyllman (2007) conducted research to compare the effects of Codes of Conduct and the IFAs on workplace democracy, which they defined as six components (Table 2.6). They conclude that the Codes of Conduct aim to secure the fourth and fifth workplace democracy components, while the IFAs promote the first five components. Egels-Zandén and Hyllman (2007) thus, conclude that the IFAs are superior for promoting workplace democracy, making an assumption that both are equally effectively implemented.

In contrast to previous research by Frenkel and Kim (2004), the study by Egels-Zandén and Hyllman (2007) also outlines that Codes of Conduct do not provide a first step to the formation of unions and the negotiations of the IFA. This is because ‘proponents of workers’ rights often face a choice between Codes of Conduct or global agreements, not a choice of Codes of Conduct and global agreements’ (Egels-Zandén and Hyllman, 2007:219). In fact, this is a choice between a Code of Conduct – a ‘quick fix’– or a ‘long haul’, which requires resources to pressure companies to support the formation of a union and the signing of the IFA.

From a legal perspective, neither Codes of Conduct nor IFAs are legally enforceable. Despite pressures from national legislation and international organisations, their adoption is voluntary. The

IFAs and Codes of Conduct help defining minimum standards and core labour rights. In order to improve industrial relations and working conditions, Codes of Conduct and the IFAs can introduce new rights for workers, workers' representatives and trade unions and can strengthen the already existing rights.

2.4 Global Trade Union Networks

Trade union cooperation at the multinational company level is not a new phenomenon (Cox, 1971). From the 1950s, International Trade Secretariats (currently known as Global Union Federations) have been encouraging development of counterforce to international capital (Wills, 2001). The ITUC and the International Trade Secretariats, pursued initiatives to establish the so-called 'World Company Councils' with the objective of encouraging exchange of information and promote union collaboration within a particular company (Telljohann et al., 2009b; Stevis and Boswell, 2007). The creation of the World Company Councils can also be explained by 'national internationalism' (Waterman, 1998:26,103) – tendency of trade unionists to focus on establishing international contacts when the local and national arenas have proved inadequate for their goals. By 1960s, the World Company Councils were established in a number of multinational companies, particularly in motor vehicle, chemical and electrical industries (Wills, 2001). By 1974 there were more than 30 of them (Stevis and Boswell, 2007:174). Given the persistent denial of central management to officially recognise them as bargaining actors, the lack of a legal framework for transnational bargaining, and disagreements on the labour side, the World Company Councils failed to live up to their ambition (Telljohann et al., 2009b). They were not able to achieve their aim of building a union counterforce to managerial power – most of them even failed to meet on a regular basis (Steiert, 2009). Despite that, the GUFs' strategy of establishing global worker bodies survived, but in a modified form (Müller et al., 2006).

A number of studies looked at the development of trade union cross-border alliances (Lévesque and Murray, 2010a), also called 'global company networks' (Croucher and Cotton, 2009) or 'transnational union networks' (Helfen and Fichter, 2013). In this thesis the term 'Global Union Networks' (GUNs) is used to describe company networks, which bring together unions from different countries representing workers from a single multinational company (outlined in Chapter 1). The GUFs learned several lessons from the failure of the World Company Councils with respect to establishing the new Global Union Networks (GUNs). Firstly, rather than attempting to organise transnational collective bargaining, the primary objective of the GUNs is to foster the exchange of information, improve communication between network members and reinforce trade union presence (Eurofound, 2019b). In many cases an additional goal is to establish dialogue with management by encouraging management representatives to take part in the network meetings in order to provide the network members with direct information on the company's global strategy. Another important aspect is to cope with limited financial resources by trying to convince company management to bear at least part of the costs of the

network meetings. Further measures adopted by the GUFs include setting up regional union networks, decentralising the coordination of the GUNs to the national union in the company's country of headquarters, and focusing attempts to establish the GUNs in a few selected cases.

GUNs offer opportunities for mobilisation at various levels of regulatory space and opening up a space for dialogue with the management of multinational at the global level in order to ensure respect for workers' fundamental rights (Dufour-Poirier and Hennebert, 2015). Marginson (2016b) highlights that these trade union networks are non-hierarchical organisational forms, which accommodate the difficulty of exercising 'power over' at the global level, and their organisation requires fewer resources than the creation and maintenance of formal institutions (such as WWCs and WUCs). The decline in the bargaining power of national trade unions makes creation of GUNs one of the key priorities for GUFs, as international union action within a multinational can partly compensate for limited bargaining power at national and local levels (Fairbrother and Hammer, 2005). Under the leadership of GUFs that view creation of GUNs as one their key strategies, GUNs respond to the multi-level nature of the challenge that confronts trade unions (Hennebert and Bourque, 2013; Marginson, 2016b).

In their research, Helfen and Fichter (2013), distinguish between two types of the GUNs. The first type comprises a GUN that is primarily built around the company headquarters and the centrally positioned actors: home country trade unions, works councils and the GUFs. The second type refers to the GUN that links collective actors at the global level (GUFs) that are external to a company to periphery actors at the local level (local and national unions affiliated to the GUF) with limited involvement of actors in the country of headquarters (Helfen and Fichter, 2013). Apart from these relationships between labour actors, GUNs also have links to management and NGOs, which are important parts of the context affecting governance and construction of the GUN.

Bergene (2007) in her study on the textile and garment industries, demonstrates how GUFs' research on companies in order to gain in-depth insights into the structures and industrial partners of the targeted multinationals, can lead to tailor-made international campaigns with higher probability of success. Indeed, she outlines the GUF's focus on building of GUNs in advance of disputes, which is viewed by union officials from the GUF as a step toward involvement in more proactive work as opposed to abstract statements about international solidarity and reactive firefighting. Moreover, in line with Waterman's (2001:318) emphasis on the need to shift from an 'aid model' to a 'solidarity model', organising GUNs implies a shift from verbal declarations to an exchange of information, support and experience.

Several studies have sought to examine the internal dynamics of GUNs and highlight the various ways in which local unions integrate into GUNs (Bergene, 2007; Lévesque and Murray, 2010a, 2010b; Dufour-Poirier and Hennebert, 2015). For example, Lévesque and Murray (2010a) when looking at the local union involvement in GUNs, conclude that trade union internationalism is neither an independent space of action nor a simple extension of national institutional arrangements. Their study outlines persistent diversity in different host-country institutional contexts and in relation to country-of-origin institutional effects on multinational. This institutional diversity highlights the importance of actor capacity and strategies. Thus, they conclude that local trade union involvement in GUNs is a result of dynamic interactions between union capacities in different spaces: local, national and international. Drawing on three cases in Mexico and three cases in Canada, Lévesque and Murray (2010b) identify three variants of local union involvement in GUNs: proactive solidarity opposed to defensive isolationism and risk aversion. These patterns of local union involvement refer to the nature and intensity of the relations of a local union with other workers, other unions, and union bodies across borders. The study also highlights four factors that are associated with greater union involvement in GUNs: discursive capacity or narrative framing; the orientation of the national or industry union; the thickness of and resources provided by international regulation; and the articulation between these different levels. Firstly, active union involvement in GUNs requires a broader conception of worker interests. Discursive capacity or ability of local union to provide narrative framing for local union action to create common interests, play an important role in representation of these interests. These narratives, which include shared understanding, ideology and values, frame union activity. Secondly, the orientation of national and industry unions is key, as they provide dedicated resources and open up the space, in which local unions can develop and engage in cross-border solidarity. Thirdly, both the relative thickness of international regulation, which refers to existence of such mechanisms and resources as GUF, EWC, IFA or Corporate Code of Conduct, play a key role as each offers an opportunity to structure the GUN. However, this thick international regulation does not undermine other factors. Lastly, Lévesque and Murray (2010b) explain that taken in isolation, none of these factors individually is sufficient to move local unions toward proactive solidarity in GUNs. They conclude that the combination of factors across levels of regulatory space is important. Trade unions are required to think about the local, national and international levels at which they seek to exert their influence and how they develop the interactions between these levels (Lévesque and Murray, 2010b).

When comparing two GUNs, Dufour-Poirier and Hennebert (2015) identify that unions participating in GUNs play different roles of varying dominance. This sometimes could lead to power games. However, these unequal positions do not necessarily prevent the development of the sense of belonging. Dufour-Poirier and Hennebert (2015) underline the importance of key ‘brokers’ such as GUFs and even national unions, implementing framing processes in order to develop common

interpretations and solutions among the participants. Interestingly, national level actors (national unions) can be key ‘brokers’ at the global level of regulatory space framework. GUFs can develop common strategies that would appeal to unions that have diverging interests. They further illustrate that despite some criticisms of GUF’s limited resources, GUFs seem to be well positioned to create GUNs and play a leadership role in ‘framing’ and legitimising their actions.

Building on scholarship on labour-community coalitions, Tattersall (2007:156-159) explores situations when GUNs are likely to be powerful, and identifies five features of effective GUNs: common concern, structure, organisational commitment, organisational culture and scale. Tattersall (2007) identifies a link between the emphasis on common concern and GUN’s effectiveness. The mutual interest in growth and developing the GUN’s structure is another important characteristic. Organisational commitment is another important feature of GUNs, as formal and informal interaction create bonds between the unions and establish trust. Organisational culture plays an important role in these relationships and cultural tension could be an obstacle. Lastly, even though GUNs operate on the global scale, their effectiveness depends on their capacity to mobilise at the local level. Despite the multiscale action being key, Tattersall (2007) found that it was extremely challenging to sustain it.

Rather than looking at GUNs directly, Barton and Fairbrother (2009) analyse inter-union coalition building at the local level. They argue that local union coalitions can complement and strengthen GUNs and demonstrate that with the developments made by three unions in the logistics and transport sector, that had previously limited connections. Their example of successful coalition-building shows unions attempting to transform the way they organise and operate, by creating links between local and global levels, and by working together.

Müller et al. (2006) argue that GUNs’ activities demonstrate their importance in providing an appropriate employee-side response to the challenges posed by the global capital. This relates to the GUN’s key activities and is summarised by Müller et al. (2006:7) as following:

1. Dual networking role as an intermediary between the GUF and its affiliates; and between employee representatives and trade union representatives from different countries and regions.
2. Support unions in countries outside the company’s home country and link union objectives with specific company-related policies and strategic aims.
3. Provide training and development for employee representatives from different countries.
4. Enable a systematic exchange of information and experience, which helps unions outside the company’s home country better understand the company’s structure and strategies.
5. Establish communication channels between different production sites and employee

representation structures at the company’s headquarters (Central Works Council, national trade union). The GUFs and the stronger unions in the company’s home country can become intermediaries and approach central management in an attempt to help solve the conflict in the country concerned.

6. Provide opportunities to organise joint solidarity campaigns and jointly address central management on particular issues.

Rüb (2002), when analysing the GUN at Nestlé, identified a number of factors that could hinder development of the GUNs. First, the position of the central management plays an important role. If there is no support apart from informal involvement in meetings, it can hinder the development of an effective global worker body (Rüb, 2002). Secondly, GUF’s resources as well as external funding play an important role. If the financial resources are limited, the GUF might not be able to organise the network meetings. Thirdly, if participant-driven networking is not developed, the network members are unlikely to take steps to further it, despite appreciating the usefulness of information exchanged (Rüb, 2002). Rüb’s (2004) further research on the Nestlé GUN identified that fragmentation of national trade unions can also hinder its development. For example, at Nestlé the entire North American region is not represented in the network, due to fragmentation of national trade unions (Rüb, 2004).

2.5 World Union Councils and the World Works Councils

IndustriALL Global union industry director Helmut Lense, when discussing the WWC at Bosch, summarised its essence: ‘at this body we aim to improve coordination between Bosch workers throughout the global operations. We receive from the corporate management important information on the company’s plans and how they will affect workers. And of course, it is an important opportunity for us to raise our concerns from around the world with top-level management’ (IndustriALL Global, 2016b). Since there is no legal framework to guide their creation, there is a great variety of ways to establish World Union Councils (WUCs) and the World Works Councils (WWCs).

Table 2.7 Formation of the WUCs and the WWCs (own compilation).

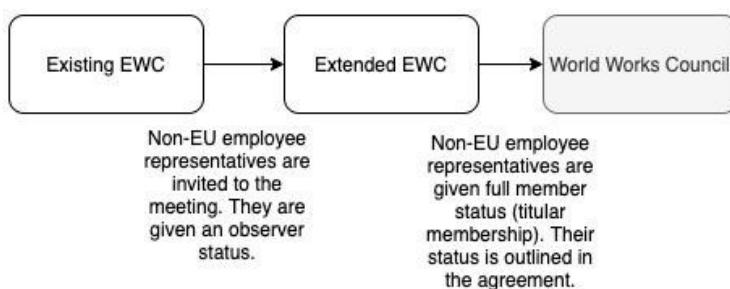
1. GUN transformed into a WWC/WUC	Formalising the Global Union Network by signing an agreement, which transforms it into a WUC/WWC.
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2. WWC/WUC created through the extension of the EWC	Step-by-step strategy, which involves gradual transformation of an EWC into a WUC/WWC. Usually a first step is to invite non-EU employee representatives from the key locations as observers. They then gradually establish their status in these meetings and are given a titular status as full members. The final establishment of a WUC/WWC is reflected in the agreement the company signs.
3. WWC/WUC created from scratch	A global worker body is created from scratch rather than as an extension of an existing one. It can either operate in parallel with an existing EWC with a partial overlap of membership or function as just single employee forum in the company.

The first approach is to transform an existing Global Union Network (GUN) into a WUC/WWC by formalising the existing practices and informal meetings by signing an official agreement. This agreement guides the creation and the main provisions of such body.

The second approach includes extension of an existing EWC, which is gradually transformed into a World Union Council or a World Works Council. In this case, the EWC is opened up to introduce the non-European members into an EWC. The non-European employee representatives usually start with an observer status and have no voting power. These global worker bodies ‘in transition’ are referred to as ‘extended EWCs’ in Chapter 1. Gradually, the observers are given full rights, as they become titular members. This is also reflected in the agreement that company signs to formalise the creation of the WUC/WWC.

Figure 2.1 Transformation of the European Works Council (EWC) into a World Union Council (WUC) or a World Works Council (WWC).



The third approach includes creating a WUC/WWC from scratch rather than transforming an existing company-level body such as a GUN or an EWC. In this case a WUC/WWC could either be operating on its own, or in parallel with an existing EWC, creating a dual channel of employee voice in the

company. In companies with dual bodies (the EWC and the global worker body) there is a partial overlap of membership between the WUC/WWC and the EWC, which facilitates cooperation (da Costa and Rehfeldt, 2008). Steiert (2001) argues that the development of the WWCs/WUCs should run in parallel with the expansion of the EWCs. There are a number of examples of the dual bodies operating in multinational companies. For example, French telecommunications group Orange in June 2010, signed an agreement on the creation of a WWC separate from the EWC. Another example is the case of the Belgian chemical group Solvay. At Solvay, the management informally set up the 'Solvay Global Forum', which consists of four members of the EWC and four trade unionists from Brazil, China, Korea and the United States. This body was formalised by an agreement signed on June 7, 2017 between the management and the Global Forum's secretary. Similarly, in October 2018, the Airbus group renegotiated its agreement on its employee representation bodies at the European level, while also creating a global worker body – the Airbus Global Forum (Eurofound, 2019a). In the cases of Volkswagen and Daimler (DaimlerChrysler at the time), the European and the World Works Councils also function in parallel with a partial overlapping of membership (da Costa and Rehfeldt, 2008).

Müller et al. (2006) argue that the variety of different forms of global worker bodies can be explained by the different strategic interests pursued by the key actors involved. Moreover, it is also dependent on practical operation of the global worker body. It is influenced by the opportunities and constraints resulting from the company-specific conditions, such as the company's global structure and strategy, the company-specific industrial relations tradition and management's attitude towards the establishment of global worker bodies. Müller et al. (2005) in their study of the WWCs at Volkswagen and DaimlerChrysler, highlight such factors as the company-specific circumstances, coalitions of interest and actors' perception of usefulness of the global worker bodies that determine their creation and influence their development. They also outline that development of WWCs relies on the mutual agreement between employees and management. Steiert (2009) also emphasises the importance of the range and quality of information provided by management. When studying the WUCs and the WWCs in the metal industry, he summarised a number of factors that can influence effectiveness of these bodies. It includes negotiating process, composition of the global worker body, duration and scope of agreement, frequency of meetings, interlocutors on the company side, the extent of the trade union involvement, monitoring procedures, terms of reference, joint activities of the global worker body, establishment of corporate networking and creation of trade union networking arrangements (Steiert, 2009:6).

Müller et al. (2005) argue that some WWCs have developed a consultation role. In fact, the WWC at DaimlerChrysler was able to block an attempt by the group management to shift production to Germany and Brazil after a strike in the South African operations (Wick, 2005). According to Müller

et al. (2005), the WWC at Volkswagen is even more developed than the one at DaimlerChrysler used to be, and recognises the right to consultation (Steiert, 2001). Moreover, both the WWC at Volkswagen and at DaimlerChrysler have negotiated the IFAs, which according to Müller et al. (2005) demonstrates that their negotiation capacity has been formally acknowledged by management.

Anner et al. (2006) argue that the global activities unions engage in (including creation of global worker bodies) vary depending on the role of the GUF, the degree of institutionalisation of cooperation, the degree to which national structures control the process and the susceptibility of cooperation to conflicts of interest between national unions. Müller et al. (2006) argue that the GUFs need to address several key points in order to realise the full potential of global worker bodies. These key questions are summarised in Table 2.8.

Table 2.8 Key questions for GUFs to address in relation to global worker bodies (based on Müller et al., 2006:10).

Area of interest:	Key questions:
GUF's strategic aims	What strategic aims is the GUF trying to achieve by creating a global worker body?
International Framework Agreements	How can the global worker body be linked to the IFA?
Strategy to establish a global body	What is the most effective strategy in establishing and developing global worker bodies in light of GUF's limited resources? What are the criteria for selecting the companies? What are the most effective forms of the GUNs: should they be small and flexible bodies (networks) or large and representative forums? Is it more effective to establish regional networks rather than global networks? Should the face-to-face meetings be replaced with the information and communication technologies (such as Skype)?
GUF's role in the future	What is the GUFs' role in the future? Should they continue to be the main driving force of the GUNs or should they take a coordinating role? Should they decentralise the responsibility of coordinating GUNs to national affiliates? What is their position concerning the WUCs/WWCs and how can they ensure their involvement in the negotiation and practical operation of these global worker bodies?

Müller et al. (2006) identify three approaches that the GUFs take in relation to creation of global worker bodies: autonomous approach, pragmatic approach and institutionalised approach. They vary depending on the degree of institutionalisation of the body, the role of the GUF, and the financing of

these bodies. The autonomous approach is represented by the GUN at Nestlé, where the activities of the network are mainly driven by the GUF (the IUF in this case). The GUF's aim is to be recognised by management as legitimate representative of employee interests at global level. The pragmatic approach is illustrated with the GUN at BASF. GUF's aim is to institutionalise the GUN and encourage management to attend and finance the meetings. The main driving forces at BASF are the German Central Works Council and a German trade union (IG Bergbau, Chemie, Energie). Compared to the key role played by the GUF in the case of Nestlé GUN, the GUF's (IndustriALL Global, previously the International Federation of Chemical, Energy, Mine and General Workers' Unions) role in the case of BASF is limited to that of a cooperation and service provider. The institutionalised approach can be demonstrated with an example of the WWC at Daimler. The role of the GUF (IndustriALL Global, previously the International Metalworkers' Federation) is even more limited than the GUF's role at BASF. This is due to the fact that the Daimler WWC is based on a formal agreement, which stipulates that the costs are covered by the company management. In the case of Daimler, the key role is played by the German Central Works Council and the GUF is merely an 'external' service provider (Müller et al., 2006).

The creation of the GUNs, WUCs and WWCs and negotiation of IFAs are the main options available for GUFs to push for more self-regulation and participation (Müller et al., 2006). However, the question that remains unanswered is whether there is regulatory space for these bodies? Indeed, there are multiple regulatory tools and many different actors at the global arena, that companies are expected to respond to and engage with (Hassel, 2008). How this impacts creation and operation of the GUNs, WWCs and the WUCs is unclear. Furthermore, whether soft law will lead to more formal developments or will remain the only basis of the labour regulation at the global level is yet to be seen (Hassel, 2008). In addition, GUFs are expected to increase their international activities, but they also need to deal with conflict of interest that might arise when national and international interests do not align. How GUFs can deal with these challenges and which direction global labour regulation is likely to take is still an emerging issue for research. What role GUNs, WUCs and WWCs will take in this process remains unclear. Since the legal framework for labour regulation is unlikely at foreseeable future at the global level, labour's most 'viable' method to establish a social framework for the global economy is voluntarist regulation through creation of the GUNs, WUCs and the WWCs, as well as negotiation of the IFAs. This does not mean that the GUFs should abandon their attempts to influence political decision-makers at national, European and global levels. On the contrary, it has been argued that it is crucial that GUFs continue their political lobbying. Indeed, Royle (2010) explains that since multinational companies are the dominant players, their voluntary self-regulation initiatives often reflect their interests rather than those of their workforce. However, as outlined by Müller et al. (2006), in the short run the primary arena for creation of bodies and establishing norms and rules

through a process of self-regulation are multinational companies. Therefore, global worker bodies together with the IFAs can help push for more self-regulation at the global level.

2.6 Global Worker Bodies and IFAs

There is a growing body of research investigating the relationship between establishment of global worker bodies and negotiation of IFAs (Mustchin and Martinez Lucio, 2017; Bourque et al., 2018). Studies demonstrate that IFAs are negotiated in conjunction with creation of GUNs, which monitor the implementation of the IFA (Dufour-Poirier and Hennebert, 2015; Fichter and McCallum, 2015). IFAs can provide opportunities to ensure workers' rights, but the organisational and institutional resources of global worker bodies enable them to take advantage of these opportunities (Mustchin and Martinez Lucio, 2017). Effective implementation of the IFAs relies on coordination structures that monitor them and on union resources (Fichter and McCallum, 2015; Helfen and Fichter, 2013). Therefore, GUNs can play a key role in negotiating and monitoring IFAs, as GUNs open up space for linking trade union actors at various levels, transcending the national framework. From the regulatory space framework perspective, this means that GUNs connect actors at company, national, European and global levels.

Bourque et al. (2018) explore whether and under what circumstances GUNs contribute to the effectiveness of IFAs in developing countries. They conclude that the effectiveness of IFAs depends on the capacity of GUNs to access and mobilise organisational and institutional power resources. In the regulatory space terminology, the ability of GUNs to mobilise resources determines their ability to occupy regulatory space. Moreover, by comparing two GUNs, their study outlines four dimensions of GUN configuration: governance structures, material resources, deliberative processes and access to institutional resources. Governance structures refer to formality of internal GUN structures, such as regularity of meetings and communication; involvement of the relevant GUF and home-country trade unions; and stability of actors on both GUN and employer side. Material resources include company's financial and logistical resources; GUN's financial and logistical resources; and the extent to which GUN shares resources between developed and developing country unions. Deliberative processes refer to number of unions involved in the GUN, as well as their participation and centralisation of decision-making in the GUN. Lastly, access to institutional resources includes labour protection in the country of origin; and such aspects as labour violations, collective bargaining coverage and importance of formal employment in main countries of operation. These four characteristics are mutually reinforcing in ensuring greater IFA effectiveness (Bourque et al., 2018).

2.7 Summary

This chapter provides an overview of the global regulatory space. It begins with an overview of debates surrounding international unionism. In particular, it focuses on challenges to international labour solidarity. Following this, the discussion moves to the GUFs and their functional profiles, various public and private CSR initiatives with a focus on the IFAs and Corporate Codes of Conduct. This chapter examines the global worker bodies at the centre of this thesis: GUNs, WUCs and WWCs. In doing so, it analyses the relationship between the GUFs and global worker bodies and what role GUFs play in their creation and operation. Lastly, this chapter discusses the relationship between the global worker bodies and the IFAs. By addressing these themes, the chapter places global worker bodies in the broader debates around international unionism.

Chapter 3 European Regulatory Space

This chapter focuses on the European regulatory space. In doing so, it analyses the historical development of European Works Councils (EWC), which is divided into four periods: Pre-directive, ‘Adoption Era’, Article 6 Agreements and The Recast EWC Directive 2009/38/EC. Each period is discussed separately and the main themes that emerged from the research are highlighted.

Subsequently, this chapter analyses the various factors affecting the EWCs’ ability to occupy regulatory space for employee voice. These are divided into external and internal factors and are summarised in Table 3.3.

3.1 Historical development of the EWCs

3.1.1 Pre-directive period

The European Works Councils framework is a result of more than 30 years of EU worker regulation development and could be divided into several major periods: Pre-directive, ‘Adoption Era’, Article 6 Agreements and The Recast EWC Directive 2009/38/EC (Table 3.1).

Table 3.1 Periods of EWCs’ development (own compilation based on Rivest, 1996).

Period:	Main focus:
1. <u>Pre-directive period</u> (prior to adoption of the EWC Directive 94/45/EC)	Voluntary EWCs at the exploratory stage; reasons which led to creation of the EWCs; pressure on the EU policymakers to introduce legislation
2. <u>Adoption Era</u> (Adoption of the EWC Directive 94/45/EC)	‘Implementation’ research – national implementation of the Directive; operation of existing voluntary Article 13 agreements
3. <u>Article 6 Agreements</u> (1996 onwards)	‘Europeanisation of IR’; ‘Euro optimists/pessimists’ debate; comparison of Article 13 agreements with the new Article 6
4. <u>The Recast EWC Directive 2009/38/EC</u>	Consequences of the recast Directive; theoretical rationale for effectiveness of EWC; economic crisis and its effects on EWCs; dynamic nature of EWCs

Attempts to introduce employee participation into European undertakings began in early 1970s and failed in the face of opposition from national governments and their regulatory authority (Gold, 2009). In 1970 the proposal of the European Company Statute (SE) introduced worker representation at board level and for the first-time mentioned founding of a European Works Council. In 1972 the Fifth

Directive on the Structure of Public Limited Companies was drafted. In the beginning, both directives failed and made little progress in contesting the regulatory space, largely monopolised by employers, and promotion of employee rights and participation. Employers from countries with no co-determination opposed to such high benchmarks, but interestingly so did the German employers. This resistance outlined the feelings of employers to the development of European participation rights. The Company Statute was established eventually in 2001, whilst the Fifth Directive was withdrawn in 2004 (Gold, 2009). A further directive, on information disclosure and consultation in companies with complex structures was proposed in 1980 by Henk Vredeling, the EU Commissioner. This so-called 'Vredeling' Directive offered a number of alternatives (Streeck, 1997a). Although two attempts were made, the 'Vredeling' Directive was rejected by the EU Council and was never ratified.

It was only after the ascendancy of Jacques Delors as EU Commission President in 1984 (Shaw, 1993) when new strategy to EU policy-making emerged and the interest in employee participation was recovered (Gold, 2009). Progress was made in 1985 when the Commission invited the employee associations, The European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE) (now BusinessEurope) and the European Centre of Employers and Enterprises providing Public Services (CEEP) to attend discussion at Val Duchesse, a palace outside Brussels. This meeting reflected the Commission's commitment to oppose social dumping practices and to promote information and consultation rights for workers.

During the period between 1985 and 1994 the EWCs were at the exploratory stage (Rivest, 1996). Before the adoption of the EWC Directive the regulation of employee representation at the undertaking level took the form of voluntarist negotiation (voluntarism). Unlike mandated negotiation, this form of regulation was not enforced by legislation and the first EWCs were the result of voluntary negotiation between company management, unions and employee representatives. The first voluntary agreement was established by the French multinational company Thomson Consumer Electronics in 1985 (Meeusen, 1999). The European information and consultation committees, as they were called at that time, were also established in two other French-based multinational companies BSN and Bull (Hall, 1992). The precedent they set exerted a powerful influence on EU policy-making, as the Commission consulted management and employee representatives in drawing up its proposals. Indeed, the EWC Directive 94/45/EC's approach and the contents of its minimum requirements for the constitution of EWCs were based to a considerable extent on the model provided by existing voluntary European-level information and consultation bodies (Hall, 1992). Before adoption of the EWC Directive 94/45/EC 46 companies had established voluntary EWCs (Köhler and Begega, 2010:592). These were mainly French, German and Scandinavian based firms, which might be explained by the tradition of employee representation in the national industrial relations in these countries.

In 1989 at Strasbourg the Social Charter was adopted by all member states with exception of the UK (Gold, 2009). The Social Charter had no legal force and rather was a description of workers' rights (Dowling, 1996). In a political rather than legal sense, the Social Charter is thought to have been a turning point in European social policy and the allocation of regulatory space in the social policy arena (Falkner, 1998). It established the major principles on which the European labour law model is based and shaped the development of the European social model in the following decade (Eurofound, 2011). The fundamental social rights declared in the Community Charter are further developed in the Charter of Fundamental Rights of the European Union that became legally binding with the ratification of the Treaty of Lisbon on December 1, 2009 (Eurofound, 2011). The Charter also formed the basis of the Social Protocol – an attachment to the Treaty on European Union or Maastricht Treaty 1992/OJC191. The Maastricht Treaty 1992/OJC191 marked a turning point in the struggle to re-implement information and consultation procedures at the European level (Timming, 2006). The EU with the exception of the UK ratified it. The Social Protocol allowed for qualified majority voting in certain areas of social policy, including information and consultation (Barnard, 2006). The introduction of qualified majority voting meant that legislation could no longer be restrained by one member state. This meant that one actor could no longer stop other actors from occupying the regulatory space no matter how powerful it was. Indeed, UK's opt-out did not prevent majority rule and thus the EU members had the power to establish EWCs without the backing of all member states. The Maastricht Treaty also increased the chances of the EWC Directive being adopted by other member states (Hall, 1992).

The first draft EWC Directive lead to hostile reaction from employers and strong support by the European Trade Union Confederation (ETUC) (Gold, 2007; Costa and Araujo, 2008). The prospects of the Directive were not secured, but four EWC agreements were signed per year during 1990-1992 (Rivest, 1996). Despite being experimental structures, these voluntary EWCs constituted an influential reference group (Roberts, 1993). This process initiated a regulatory change, which generated a continuous process of adaptation and counterbalance in the European regulatory space.

Research in the early 1990s was analysing the structural and operational characteristics of the first voluntary EWC arrangements. Much of this scholarship was conducted prior to adoption of the EWC Directive, and therefore could have had a political objective to increase the political pressure on European policymakers to introduce legislation on the employee representation. It focused on political and economic factors behind the establishment of these voluntary EWCs and their practice (Müller and Hoffmann, 2001). Streeck and Vitols (1995) outline economic factors such as internationalisation and restructuring, which led to establishment of the voluntary EWCs. They argue that management used the EWCs to secure the employees' acceptance for these initiatives. Research also identifies political reasons for the EWC establishment (Müller and Hoffmann, 2001). Scholars suggest that

employers had to soften opposition in the light of a new attempt of the European Commission to regulate information and consultation provision. However, Marginson (1992) suggests that it is neither economic nor political factors that influenced formation of voluntary EWC, but rather a combined effect of company-specific factors. In contrast, Gold and Hall (1992) identify the role of country-of-origin factors, which contributed to establishment of voluntary EWCs. In practice it might be that a number of combined factors influenced the creation of voluntary EWCs.

Blanpain and Windey (1994) outline the advantages of the voluntary EWCs. There were no mandatory conditions, so that the EWC agreements could have been adapted to company needs and theoretically integrated employees and unions into company decision-making (Knudsen and Bruun, 1998). Some companies considered it to be an advantage and took proactive measures (Meeusen, 1999). The disadvantage of these voluntary agreements was the lack of legal certainty. From a management perspective this was a serious threat. Indeed, companies that started early could have found out later that they did not comply with all the rules (Meeusen, 1999).

For employees, voluntary EWCs brought important benefits. Gold and Hall (1992) outline that employee representatives regarded EWC as an important tool to receive information and improve international contacts. Furthermore, employee representatives used voluntary EWCs to set an example for other companies and increase the political pressure on policymakers and employers to support the adoption of the EWC Directive. However, there was limited empirical research done during pre-directive period, due to the small number of operating EWCs. Uncertain prospects of the EWC Directive and different views of the social actors led to lack of knowledge on the actual practice of the EWCs (Müller and Hoffmann, 2001). The uncertainty resulted in doubts about effectiveness of the EWCs shared by both employees and employers (Windolf, 1993). Similarly, trade unions had fears that they would have to share power in corporate decision-making (Hall et al., 1995). However, this was largely unjustified, as the EWCs' competencies were rather limited. In this sense, the agreement signed by Volkswagen in 1992 was an important step to establishment of the social dialogue at the European level. It was the first agreement to provide employee representatives with information and also consultation rights (Gold and Hall, 1994).

An article by Gold and Hall (1994) analyses the final stage of negotiations, which culminated in the adoption of the EWC Directive 94/45/EC. They outline that despite the dropping of the term 'European Works Councils' and some major changes in the detailed provisions of the proposal, the policy of the original draft directive has remained the same to a large extent. The notable change was that the UK was excluded from the scope of the directive, as the legal basis of the new proposal was based on the Maastricht agreement on social policy. This suggests that there was no legal right for UK employees to participate in the arrangements promoted by the directive (Gold and Hall, 1994).

Another key requirement of the directive was the establishment of a European committee or an information and consultation procedure, which suggested that the details of how either mechanisms would function were a matter of a written agreement between the central management and the Special Negotiation Body (SNB) representing the employees.

The EWC Directive 94/45/EC was adopted not as a result of the social dialogue, but social partners did play an important role in reaching a compromise (Falkner, 1996). Streeck (1997a) identifies national institutional differences, which presented difficulties for policymakers and allowed employers' groups to delay negotiations. Windolf (1993) also suggests that there were concerns among national trade unions that EWCs would develop into enterprise level bargaining structures and thus limit the collective bargaining power of unions. These were the challenges the policymakers and scholars were presented with during the next period – 'Adoption Era', when the EWC Directive was adopted in 1994.

3.1.2 The 'Adoption Era'


The second period of the EWC research covers 1994-1996, which Rivest (1996: 237) calls an 'Adoption Era'. The EWC Directive 94/45/EC was adopted on September 22, 1994, giving two years to member states to implement the terms of the Directive and providing further three years to establish the European Works Councils. It applied to the UK from 1997 under the Social Chapter, signed by the New Labour government (Müller and Hoffmann, 2001).

This period demonstrates how EWCs – the relatively new actors – gained regulatory positions within the European regulatory space. However, scholars outline that the resistance of the anti-reform group of employers and conservative political forces created difficulties when it came to the passing of the EWC Directive 94/45/EC (Gold, 2007; Cressey, 2009). The EWC Directive 94/45/EC is thought to be 'the child of the labour movement in Europe' (Wills, 2000:86) and is argued to be the most remarkable development in European industrial relations (Schulten, 1996). Article 6 of the EWC Directive 94/45/EC introduced an obligation, from September 22, 1996, to negotiate the establishment of an EWC between the multinational company and a SNB, with no statutory trade union presence. Article 13 exempted from this obligation those multinational companies that had already signed a voluntary EWC agreement before this date. The consequence was an explosion of 'voluntary' agreements in the weeks prior to September 22, 1996. More than 300 'Article 13 agreements' were signed in 1996. European industry federations signed or co-signed nearly one third of these and they continued to sign some 'Article 6 agreements' (Kerckhofs, 2002:35). These 'voluntary' agreements could arguably represent a very different type of 'voluntarist negotiation' agreements to those signed before the adoption of the EWC Directive 94/45/EC. Prior to September 22, 1996, under Article 13, negotiations took place 'in the shadow of the law' (Bercusson, 1992:185). This means that a legal

incentive was provided to find consensus, in other words an ‘informal duty to negotiate’ (Mückenberger, 2004:281). This could explain the rush to conclude agreements before the deadline set by Article 13 (Mückenberger, 2004).

From a regulatory space perspective, the adoption of the EWC Directive 94/45/EC emphasised the shift from the voluntarist negotiation (voluntarism) to the mandated negotiation at the European level. However, Streeck (1997b) argues that EWCs are ‘neither European nor works councils’, and the aim of harmonising the different national industrial relations backgrounds through the means of multinational companies has not brought the expected results (Marginson et al., 2004). Thus, it could be argued that mandated negotiation is as contestable as other forms of regulation. It is therefore important to analyse the further development of this area of regulation, as it contains great potential for expansion in the context of a greater ‘transnationalisation’ of work and businesses within the EU (Inversi et al., 2017).

Table 3.2 Dimensions of regulation at the European level (adapted from Inversi et al., 2017).

Law	Mandated negotiation	Voluntarist negotiation – voluntarism	Unilateralism
EU Human rights Regulations The EWC Directive 94/45/EC, the recast EWC Directive 2009/38/EC, Recommendations Policies Soft law	European Works Councils	 Collective bargaining at EU level (agreements between employers and employee representatives at EU level), European Framework Agreements	European Commission, European Trade Union Confederation and other ‘social partners’, European Trade Union Federations

The adoption of the EWC Directive 94/45/EC outlined an anomaly in the worker participation at the national level in some EU member states, such as the UK (Gold, 2007). Indeed, Knudsen and Bruun (1998) outline the correlation between national industrial relations characterised by longstanding tradition of employee representation and emergence of voluntary EWCs. However, Rivest (1996) found that during the ‘Adoption Era’ EWC agreements start to extend to companies based in countries without any tradition of legally mandated works councils.

The growing number and experience of EWCs led to an increased interest in their actual operation. Comparison of the Article 13 agreements which pre-date the adoption of the EWC Directive 94/45/EC to those signed after outline that much of the latter limited the role of the EWC to

information and consultation only (Marginson, 1998). McGlynn (1995) therefore argues that managerial prerogatives remained unaffected. Marginson (1998) also discovered that non-European and British multinational companies have management-dominated procedures in contrast to the EWCs in continental European companies. Therefore, in Anglo-Irish companies, EWCs are less likely to be jointly run, limiting employee voice. This is not surprising given that in the UK management opposition to the Directive was particularly strong (Hall et al., 1995). Researchers outline that this opposition was a result of political climate promoting individualism at that time (Hall et al., 1995) and the British opt-out (ended in 1997) from the social policy agreement on which the EWC Directive 94/45/EC was based. A study published by Bargaining Report (1996) analysed the 49 Article 13 agreements that were concluded in UK-based multinational companies by September 22, 1996. UK-based multinational companies represent a special case, because in contrast to employee representation structures in Germany (works councils) and France (work committees), the UK has no tradition of statutory employee representation structures. The analysis by Bargaining Report (1996) revealed that all companies chose to include UK employees despite the lack of an obligation to do so. Furthermore, the study found that all the EWCs examined were joint management-employee bodies following the French model. In the absence of statutory representation structures such as works councils or trade union committees, companies and workforces in the UK were obliged to rely on other methods to select the representatives, such as trade union nomination or direct elections (Bargaining Report, 1996).

The adoption of the EWC Directive 94/45/EC surprised many scholars that were concerned with analysis of the EWCs agreements in terms of immediate consequences of transposition of the EWC Directive 94/45/EC into national law. For example, Belier (1995) outlines the areas of concern for unions in this process and identifies a need for a delicate balance between national structures of employee representation and the EWCs. This shows that regulation at the European level is closely connected to the all four regulatory dimensions at the national level: law, 'statutory' collective bargaining (mandated negotiation), collective bargaining (voluntarist negotiation) and regulation by managerial, employers or unions associations (unilateralism). Krieger and Bonneton (1995) outline that effective functioning of the EWCs should be based on the free will of management, unions and employee representatives. Similarly, Stoop (1994) found that existence of strong national works councils and unions make a positive contribution to the success of the EWC. Stoop (1994) also emphasises the importance of positive attitudes of management towards information and consultation procedures, which facilitates the provision of resources to the employee representatives.

3.1.3 Article 6 Agreements

From 1996 EWCs are governed by Article 6 of the EWC Directive 94/45/EC (Marginson et al., 1998). The EWC Directive 94/45/EC is based on the practice of the voluntary EWCs and has to take into

account existing agreement-based EWCs. The aim of the subsidiary requirements contained in the Annex of the EWC Directive 94/45/EC is to guide and encourage the creation, by agreement, of EWCs. For this reason, Article 13 stipulates that the EWC Directive 94/45/EC is not applicable to companies having, before September 22, 1996, an agreement covering the entire workforce and providing for transnational information and consultation of employees. The time limit for Article 13 EWC agreements was September 22, 1996, because that was the date by which the national transpositions of the EWC Directive 94/45/EC were to come into force. When such Article 13 agreements expire, the parties may decide jointly to renew them. Otherwise, the provisions of the Directive come into effect, including the establishment of a SNB and the conclusion of an agreement containing the issues mentioned in Article 6 of the Directive. Indeed, for the new EWCs established after September 1996, the Article 6 route to establish an EWC involves the establishment of a SNB that concludes, within three years, an agreement fulfilling the content criteria provided for in Article 6 of the EWC Directive 94/45/EC (Kerckhofs, 2002). Only if such negotiations fail to deliver such an Article 6 agreement, the subsidiary requirements in the Annex of the EWC Directive 94/45/EC impose a standard EWC.

The EWC Directive 94/45/EC envisages a three-staged process for the negotiation of EWCs between management and employee representatives. The first option, under the provisions of Article 13, is to conclude an agreement by September 22, 1996, the deadline for the implementation of the EWC Directive 94/45/EC into national law (Müller and Hoffmann, 2001). Such so-called ‘Article 13 agreements’ are exempted from the provisions of the EWC Directive for as long as they remain in force, which means that the decision on the negotiation procedure and the contents of the agreement is entirely up to the negotiating parties. The second option available to management and employee representatives is to negotiate a so-called ‘Article 6 agreement’ within a three-year period following the SNB procedure specified by Article 6 of the EWC Directive 94/45/EC. Although the negotiating procedure is prescribed by the national implementation of the EWC Directive 94/45/EC, all constitutional and operational aspects of such ‘Article 6 agreements’ are still negotiable. However, if the negotiating parties fail to conclude an ‘Article 6 agreement’ within three years, the EWC Directive 94/45/EC’s subsidiary requirements apply. These minimum requirements represent the third option of setting up an EWC, and specify minimum provisions for the structure and scope of the EWC arrangement (Müller and Hoffmann, 2001).

In 1999 the European Commission was supposed to undertake the first review of the EWC Directive 94/45/EC according to Article 15 (Waddington, 2006). The European Trade Union Confederation (ETUC), Union of Industrial and Employers’ Confederations of Europe (UNICE) and the European Centre of Employers and Enterprises providing Public Services (CEEP) with the provision of the European Commission held a conference (Hall, 2000). The conference revealed the confronting views

of employees and employers on the idea of amending legislation on EWCs. This was the first missed deadline for revision of the EWC Directive 94/45/EC (Jagodziński, 2009). Despite that the ETUC claimed that the existing EWCs were sufficient for conducting the assessment, the European Commission had not undertaken a review of the Directive by September 1999 (ETUC, 2000), which added heat to the Euro-pessimist and Euro-optimist debate in the academic literature.

The reason for the delay was conflicting interests of the social partners. One of the disputes was regarding the voluntary Article 13 agreements and the Article 6 agreements. The advantage of the Article 13 agreement was the greater flexibility in comparison to the Article 6, which required a creation of the SNB (Marginson et al., 1998). Therefore, managers feared that Article 6 agreements would operate to their disadvantage. As for the trade unions, they were afraid that the EWC might be set up without their involvement (Platzer et al., 2001). Therefore, the unions were interested in completing negotiation before the Article 13 deadline. This might explain the significant increase in EWCs set up before the September 1996 when the Article 6 of the EWC Directive 94/45/EC came into force (Platzer et al., 2001). Platzer et al. (2001) outline that agreements concluded under Article 6 incorporate previous experience of EWCs and improved competence of all members in the bargaining. Therefore, they conclude that Article 6 agreements are better catered for employee interest representation (Platzer et al., 2001).

3.1.4 The recast EWC Directive 2009/38/EC

The recast EWC Directive 2009/38/EC was adopted in 2009. The changes in the directive neither follow the expectations of employee representatives and unions nor do they incorporate advice from the scholars (Whittall et al., 2008). For example, a broader definition of ‘transnationality’ and a more precise wording of ‘relevance’ have not been introduced (Jagodziński, 2011). The recast EWC Directive 2009/38/EC does not cover smaller companies, as it was suggested by Blanke (1999) and Buschak (1999). Furthermore, although the recast EWC Directive 2009/38/EC identifies the role of trade unions, Hann (2010) identifies disagreement between unions regarding their role and strategy in relation to EWC. In addition, Jagodziński (2011) also outlines that the recast EWC Directive 2009/38/EC is not taking into account the collective negotiating role of many existing EWCs. Thus, it limits the employee voice and EWC’s potential (Jagodziński, 2011). De Spiegelaere (2016:7) analyse the impact of the recast EWC Directive 2009/38/EC and conclude that it was generally ‘too little and too late’ to deliver on its declared objectives. The recast EWC Directive 2009/38/EC did not stimulate the creation of more EWCs as it provided insufficient instruments to do so. It did affect the content of the EWC agreements, but generally came too late to have a significant effect. In many ways, the recast Directive 2009/38/EC reflected the most common practices rather than stimulated best practices.

The historical development of the regulatory space in the employee representation arena demonstrates the importance of interdependence and bargaining. It presents regulatory space as contestable and moving entity, rather than a static structure. Indeed, various actors such as the ETUC, the UNICE (now BusinessEurope), the CEEP, national governments and EWCs themselves shape and re-shape the regulatory space.

3.2 The EWCs' ability to occupy regulatory space

Hertwig et al. (2011) outline an explanatory model of five factors influencing effective operation of the EWCs: company structure, path dependency (evolution of the EWC), socio-institutional environment, actors' strategies (role of managers and unions) and internal EWC dynamics. However, application of Hertwig et al.'s (2011) typology has its limitations. Indeed, according to Gold and Rees (2013), it is difficult to establish which issue fits into which category. For example, they argue that the EU Directives and trade union structures could be categorised as part of the socio-institutional environment of EWCs rather than part of the internal dynamics of the EWC (Gold and Rees, 2013). As such, various models outline different number of factors. For example, Marginson et al. (2004) outline six factors that can determine EWC's ability to influence managerial decision-making and contest regulatory space. Based on previous research it is possible to draw together various factors that affect the EWC's ability to occupy regulatory space, acting as a counterforce to management. The factors can further be divided into those, which are largely externally given and the internal factors, which are specific to the employee-side organisation.

Table 3.3 Factors affecting the EWC's ability to occupy regulatory space for employee voice (own compilation).

<u>External:</u>	
Regulatory impact of the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC	Whether the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC can provide employees with regulatory space to counterbalance employer power. They establish a framework for negotiation within which outcomes will vary according to the resources and power relationships of the actors concerned (Barnard and Deakin, 2000; Koukiadaki, 2009).
Management attitudes	The support of management interested in developing or maintaining social-partnership (Royle, 1999).

'Country effect'	Industrial relations in the country of headquarters can influence the provisions of EWC (Gilman and Marginson, 2002; Streeck, 1997b; 1998).
Strong national employee representation structures	The existence of strong, legally underpinned national employee representation structures could provide the EWC delegates with considerable resources (Lamers, 1998; Veersma, 1999; Whittall, 2000).
Role of trade unions	Trade union support, strategies and resources (Lecher and Rüb, 1999; Wills, 2001).
Role of European Trade Union Federations (ETUFs)	ETUFs' support, strategies and resources (Rivest, 1996; Telljohan, 2007).
Company type, its structure and coordination	A homogeneous product structure coupled with an integrated organisational structure (Weston and Martinez Lucio, 1997; Marginson et al., 2009).
Re-structuring initiatives, critical events	Re-structuring initiatives, which could trigger cross-national employee cooperation (Weston and Martinez Lucio, 1997; Hancké, 2000). Redundancies, plant closures or inter-plant competition may under certain conditions trigger EWCs to organise effectively (Banyuls et al., 2008; Fetzer, 2008).
Other external factors shaping employee voice such as socio-institutional environment (institutional, legal and cultural context)	Other external factors affecting regulatory space for employee voice include cultural and institutional context (Hertwig et al., 2011).
<u>Internal:</u>	
Internal cohesion on employee side	Internal cohesion on employee side (Lecher et al., 1999).
Shared European identity	Joint European perspective and strategy of employee representation, in the form of collective identity (Whittall et al., 2007; Whittall et al., 2009; Huijgen et al., 2007)
Training	Training in communication and language skills is essential for the development of successful employee cooperation (Gohde, 1995; Miller, 1999; Miller and Strirling, 1998; Miller et al., 2000; Knudsen, 2004).

One of the factors affecting regulatory space for employee voice is whether the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC can constrain managerial prerogative and provide employees with regulatory space to counterbalance employer power. Directives establish a framework for negotiation within which outcomes will vary according to the resources and power relationships of the key actors (Barnard and Deakin, 2000; Koukiadaki, 2009). The reflexive law creates the contours of the EWC as an institution – its structure, membership, rights, frequency of meetings, but a broader process-based approach should be used to examine its effectiveness and ability to occupy regulatory space. Indeed, other factors could explain why certain EWCs develop into powerful actors while other appear merely on paper.

Management attitudes is another key external factor. For example, the study by Royle (1999) on the EWC at McDonalds demonstrates that the influence of national industrial relations structures on the operational development of EWCs is mediated by management attitudes towards the EWC. At McDonalds management colonised the process of running the EWC. Management pursued a hostile approach to unions and ensured that the majority of EWC employee representatives are salaried managers (Royle, 1999). Thus, these ‘employee representatives’ are more likely to have the company’s goals in mind than ‘represent’ interests of the part-time and/or hourly-paid workforce. Management was also able to limit the trade union influence within the German company-level works council by outsourcing sites with union-supported works councils into holding companies. As a result, these works council representatives were no longer entitled to be represented on the German company-level works council or the EWC. This study demonstrates that even the legally-underpinned national institutions such as the German works councils may fail to trigger employee-side coordination processes due to management strategy (Royle, 1999). Moreover, Royle (2002:275) argues that the EWC Directive often remains ‘symbolic rather than a practical threat to managerial prerogative’. He explains that in the case of McDonalds, the EWC is a ‘formal symbol’ with limited influence over unilateral managerial power and decision-making.

The ‘country effect’ suggests that industrial relations in the country of headquarters affect the EWC provisions and thus its ability to occupy regulatory space for employee voice. Streeck (1997b;1998) argues that the structure and the role EWCs play are heavily influenced by the national system of industrial relations in the country of headquarters. In particular, he emphasises that ‘EWCs will be international extensions of national systems of workplace representation, instead of European institutions in a strict sense’ (Streeck, 1997b:331). Gilman and Marginson (2002) found evidence that supports the proposition that the main features of EWCs resemble national arrangements for employee information and consultation of the country of headquarters.

Another important factor is the role national representation structures play in the provision of resources necessary to the functioning of the EWC (Lamers, 1998; Veersma, 1999). Lecher (1999:281) argues that the better the EWC can equip itself in terms of time, money, information and power, 'the greater its chance of developing a European identity and ability to act effectively'. Strong national representation structures provide the EWC delegates with considerable resources. The study by Whittall (2000) on the EWCs at BMW demonstrates that the existence of strong national employee representation structures influences the effectiveness of the EWC. Whittall (2000) emphasises the role played by the EWC chairman who is also the chairman of the German central works councils and member of the supervisory board, which gives the access to important arenas of management decision making.

Trade unions are the main forces pushing forward the development of the EWCs (Lecher and Rüb, 1999). Wills (2001) emphasises the role of trade union involvement for developing solidarity between the employee representatives. As Lecher and Rüb (1999) point out the relationship between the EWC and trade unions should not be viewed as one-sided as their interrelationships could strengthen both. Schulten (1996), however, is sceptical about the EWCs' ability to strengthen the position of European trade unions. In fact, Lecher and Rüb (1999) identify three main issues that place demands on the trade unions. First, the extent to which there is an exchange of information between trade unions and the EWCs. Secondly, the extent of the union support for the EWCs plays an important role. Thirdly, the strategic orientation of the EWCs is crucial and may not be aligned with the trade union.

The European Trade Union Federations (ETUFs) affect the ability of the EWCs to occupy regulatory space. In her study of voluntary EWCs, Rivest (1996) found that the sectoral differences between the EWCs can be explained by the strategy and capacity of the different ETUFs. There are two main arguments for this. First, in 66 % of the agreements, national or international trade union organisations (or sometimes both) are signatories. Secondly, in the food and the construction sectors, there is a significant correlation between the involvement of international trade union bodies and the creation of the EWCs (Rivest, 1996). The ETUFs provide coordinators for the EWCs, and due to the fact that many companies operate more than in one sector, an EWC may be coordinated by advisors from a number of ETUFs. Telljohan (2007) argues that the ETUFs are key for the EWCs to develop a negotiating role.

Company type, its structure and coordination, also play an important role. Marginson et al. (2009) outline the role of country-of-origin, sector and company size. Weston and Martinez Lucio (1997) found that an integrated production structure coupled with management strategies of benchmarking or cross-referencing contribute to the development of transnational employee networking. They argue that these management strategies inevitably put the different plants across Europe into a competitive

relationship, which in turn raises the level of interest by employee representatives to engage in a cross-national exchange of information in order to resist local management pressures.

Research has also shown that critical events such as redundancies, plant closures or inter-plant competition may under certain conditions trigger EWCs to organise effectively. This is due to the fact that these critical events demand a high degree of communication, strategic development and activity on the part of the EWC (Banyuls et al., 2008; Fetzer, 2008). However, Hancké's (2000) study on the role of the EWC in industrial restructuring in the car industry demonstrated that the management's strategy of benchmarking did not lead to an increase in transnational labour cooperation. Hancké (2000) argues that local trade unionists do not see the EWC as a structure to coordinate cross-border activities. Instead the EWC is viewed as an instrument to share information, which helps to further their national and home plant focused interests. Therefore, instead of contesting the competition regime prevailed in the industry, the EWCs adopted it.

The context in which the EWC is embedded also influences its ability to occupy regulatory space. Hertwig et al. (2011) demonstrate that cultural and institutional factors influence the EWC action. Indeed, at General Motors Europe and Volkswagen, the EWCs rely on German structures of employee representation, making an EWC a bargaining partner. In contrast, the EWC at PSA acts solely as an information and consultation body due to culture and labour laws. Hertwig et al. (2011) explain that the fragmented multi-trade-union system in France reinforces the competition amongst unions for members and votes, which makes them prioritise their own production volumes and jobs. Moreover, trade unions do not want to lose their bargaining monopoly, which restraints the EWC role as negotiating actor.

The internal interaction of the EWC members is likely to influence its ability to occupy regulatory space. Lecher et al. (1999) pay particular attention to the employee-side organisation and internal cohesion. In order to achieve internal cohesion, employee representatives need to overcome a number of obstacles. First, there are the national and cultural differences between employee delegates (Knudsen, 2004). The EWC brings together employees from different parts of a company and from various countries, which results in them having different interests and perspectives, and diverging attitudes towards the role and functioning of the EWC (Huijgen et al., 2007). These differences create barriers for collective identity within the EWCs. Whittall et al. (2007) in their book 'Towards a European Labour Identity' highlight the role of common European identity of EWCs and uncover the process of developing it. The shared European identity within EWCs is key for them to attain a more significant role (Whittall et al., 2009). To achieve this EWCs need to develop 'their internal constitution from a heterogeneous forum to a cohesive unity' (Lecher and Rüb, 1999:11)

The second difficulty is a language barrier. Lecher et al. (1999) outline that the language barrier can limit contacts between delegates and development of trust. This in turn can lead to creation of sub-groupings within the EWC. The third obstacle comes from the 'home advantage' (Lecher et al., 1999:222) – the dominance of the home workforce delegation. This happens when these employee representatives have numerical dominance and where they have the support from the strong national employee representation structures.

According to Knudsen (2004), these differences in interests, language and culture can be diminished through training and better communication. Indeed, training in communication and language skills is singled out as a key factor to the development of successful employee cooperation and internal cohesion (Gohde, 1995; Miller et al., 2000; Knudsen, 2004). Miller (1999:356) argues that there is a need for a 'pedagogy of transnationality', which incorporates specific transnational training needs of EWC delegates into the content and method of training. Moreover, training becomes particularly important when delegates have little experience and when trade union support is limited (Miller and Stirling, 1998).

Taking into the account various external and internal factors, Lecher et al. (1999) analyse the constitution of the EWC in relation to their four fields of interaction: the EWC and management; internally among the EWC members; the EWC and national employee representation structures and the workforce; and the EWC and trade unions. As a result of the interplay between these four fields of interaction, Lecher et al. (2001) offer a categorisation of the four ideal types of EWCs: symbolic, service, project-oriented and participative. The symbolic EWC formally exists on paper and is characterised by limited communication, little trade union involvement and no formal consultation. In this case employee representatives are merely informed by management. A service EWC is characterised by dialogue and communication between employee representatives, trade unions and management, but with no consultation and negotiation functions (Lecher et al., 2001). There are also contacts between meetings and liaison with management. A project-oriented EWC differs from the service EWC in the capacity for cooperative employee action. The project-oriented EWC provides communication with focus on projects on particular matter, which enables EWC to participate in negotiations with management. The participative EWC is described as an influential actor, which actively negotiates with the management (Lecher et al., 2001). In contrast to symbolic EWC, this institution provides formalised consultation and negotiation over particular matters to employees (Bailey, 2009; Timming, 2010). However, as Lecher et al. (1999) emphasise, this categorisation is an analytical tool and in practice EWCs are often hybrids of several types.

In sum, regulatory outcome of the EWC Directive 94/45/EC has been the mandated negotiation. Research shows that EWCs can be a platform for social dialogue between management and

employees (Vitols, 2006). However, EWC's ability to occupy and contest employer colonisation of regulatory space depends to a large extent on the various external and internal factors. Its ability to influence managerial decisions and occupy regulatory space is influenced by factors such as the regulatory impact of the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC, management attitudes, country effect, strong national employee representation structures and the roles played by trade unions and the ETUFs. Company type, its structure and coordination, critical events (such as restructuring) and other external factors shaping employee voice such as socio-institutional environment (institutional, legal and cultural context) are also important. On the labour side, internal cohesion, shared European identity and training have been highlighted.

3.3 Summary

This chapter analysed the historical development of the EWCs. This chapter distinguished between Pre-directive, 'Adoption Era', Article 6 Agreements and The Recast EWC Directive 2009/38/EC periods in the EWCs' development. It has been highlighted that during the 'Adoption Era' the EWCs moved from the voluntarist negotiation to mandated negotiation domains of the regulatory space. This means that in the case of the EU, regulation takes place 'in the shadow of the law' (Bercusson, 1992:185), i.e. from the employers' point of view the threat of legal regulation that shapes interactions and negotiations between the actors within the established framework of the social dialogue. This chapter also discussed the various factors affecting the EWC's ability to occupy regulatory space and contest its position against management, distinguishing between external and internal factors. Based on previous research, these factors were drawn together and summarised in Table 3.3.

Chapter 4 Concepts and Methods

In this chapter the methodological considerations are set out in detail. First, the research questions of this study are restated. Secondly, the philosophical paradigm is discussed. Subsequently, this chapter outlines the research approach, case study methodology and the methods used for generation of qualitative data. Following this, the sample, data analysis and the coding process are explained. Lastly, this chapter addresses the issues of gaining access and ethics.

4.1 Research questions

The overriding research question is ‘What are the different pathways to global employee voice?’ The research sub-questions of this study have been outlined in Chapter 1 and can be summarised as following:

1. What factors determine the creation of the Global Trade Union Networks (GUNs), the World Union Councils (WUCs) and the World Works Councils (WWCs)?
2. How are these global worker bodies established?
3. How do these global worker bodies function?
4. To what extent do any of these global worker bodies facilitate meaningful employee voice?
5. What factors affect the ability of Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs) to occupy regulatory space for employee voice?

To answer these research questions, this study adopts the approach of comparative case studies in order to provide comparison between different pathways to global employee voice. The research project took place over a period of two years between September 2017 and October 2019. The research findings emerge from the three company case studies in the metalworking sector undertaken at Swedish-Co, German-Co and French-Co. Within these case studies, the key data collection method is in-depth semi-structured interviews, supported by document analysis. Expert and company interviews were conducted. Expert interviews provide a broader picture of the development of global worker bodies in multinational companies, as well as insight into the three case studies. Company interviews include conversations with employee representatives, management and national trade union officials.

4.2 Philosophical Paradigm

A research project requires an understanding of the relationship between theory, philosophical paradigm and methods (Howell, 2013). Its philosophical paradigm develops the basis for the research process, grounding foundations for its logic and criteria (Crotty, 1998), and shapes the researcher’s approach to methods (Marsh and Furlong, 2002). Traditionally, a paradigm is based on ontological,

epistemological and methodological research assumptions. Ontology defines the researcher's assumptions of the nature of reality and epistemology is concerned with what we can know about the world and how we come to know it (Marsh and Furlong, 2002).

In social sciences, a distinction can be made between two main ontological positions: objectivism and subjectivism (Bryman, 2004). On the epistemological spectrum there is positivism on one side and interpretivism on the other. Objectivist ontology is closely linked to positivism or the empiricist approach, which argues that there is an external reality existing outside of the value-free researcher. Thus, the goal of social science from this perspective is to 'seek to explain and predict what happens in the social world by searching for regularities and causal relationships between its constituent elements' (Burrell and Morgan, 1994:5). Subjectivist ontology, on the other hand, is tied to interpretivism or social constructivism, which argues that social entities and social realities should be considered social constructions based on the perceptions and actions of social actors (Dieronitou, 2014). These two approaches are also expressed in the different value assigned to structure and agency in explaining social phenomena. Objectivist approaches concentrate primarily on the macro-level of the analysis of social systems and structures, which exist independent of individual actors. Moreover, according to this perspective, structures influence or even determine actor's actions. In contrast, the subjectivist approach puts individual agency at the centre of the analysis. Archer (1995) argues that much of social sciences leans towards either structure or agency, rather than adopting a perspective of structure and agency.

This thesis embraces neither of these philosophical positions. Instead, it adopts a mid-range approach, based on a realist perspective. This research is based on an ontological position 'that asserts that there is a social world independent of our knowledge of it and an epistemology that argues that it is knowable' (Davies, 2008:18). Social phenomena can exist without human actors conceptualising them or constructing them in discourse (Ackroyd and Fleetwood, 2000; Fleetwood, 2004). At the same time, human actors who reproduce these social phenomena have some conception (sometimes a misconception) of what they are doing. From this perspective, human agency and social structure are organised in such a way that each is both a condition and a consequence of the other, while human agency reproduces or transforms social structure (Lawson, 1997; Leca and Naccache 2006). This philosophical position suggests a complex view of the social world in which human actors are 'placed in an iterative and naturally reflexive feedback relationship to them' (Davies, 2008:26). The viewpoint adopted in this thesis, thus, overcomes weaknesses associated with objectivist and subjectivist paradigms that provide incomplete accounts of the world, limiting it to what can only be known empirically (positivist and empiricist approaches) or to only what can be socially constructed through human discourse and meaning systems (social constructionist and interpretive approaches).

In the context of this thesis, global worker bodies are created by various actors (management, employee representatives, trade unionists) and yet still exist externally to them and shape their behaviour. The starting point of research process is the actors' own accounts, which is collected from interviews. The aim of this study is not only to describe events but also to explain them, by exploring the impact of structural factors on human agency. Thus, this research focuses on the complex interplay between social structures and human agency over time and space, linking formation, functioning and effectiveness of global worker bodies to deeper structural factors within the regulatory space.

This perspective links to the comparative case studies approach adopted in this thesis. The case study approach allows for the opinions of actors to be explored (Tellis, 1997), which is key for the analysis of various regulatory actors. Moreover, comparative case studies can uncover the varying and complex ways in which combinations of structural, historical and operational factors interact in a wider context. The global worker bodies are part of the wider regulatory space for employee voice, which needs to be taken into consideration. Comparative case study approach helps to explain the way contextual factors have intersected historically to produce specific outcomes. In terms of the levels of analysis, this study attempts to link company level experiences to national, European and global levels, at which regulatory change is taking place. As such, it responds to Edward's (2005) call for research that links various levels of analysis in the methodology.

In sum, a realist perspective, adopted in this thesis, informs a sociological practice of linking observed accounts to context, and explaining rather than describing social phenomena (Rees and Gatenby, 2014). It forms a basis for the institutional theory of regulatory space that accounts for both the influence of institutional embeddedness and the partial autonomy of actors' actions (Leca and Naccache, 2006).

4.3 Research approach and justification of methods

An inductive research approach is suitable to gather knowledge on different pathways to global employee voice. Creswell and Plano Clark (2007:23) describe it as a 'bottom-up' approach to knowledge, as no hypotheses are made at the primary stages of the research. This study focuses on research objectives rather than hypotheses in exploring global worker bodies. Lodico et al., (2010:301) explains the nature of inductive research: 'this means that numerous small pieces of data are collected and gradually combined or related to form broader, more general descriptions and conclusions'. The qualitative approach is used to gather the data in this thesis. Qualitative research identifies the meanings and interpretations that participants subjectively assign to the phenomena (Johnson et al., 2006). Qualitative methods are important tools in finding 'realistic models of causal

relationships' (Strauss and Whitfield, 1998:49). Traditionally, industrial relations research is 'inductive, qualitative, and concerned with applied policy-oriented problems' (Whitfield and Strauss, 2000:141).

Methodologically, the research presented in this thesis adopts a comparative case studies approach. Yin (2009) distinguishes between: explanatory, descriptive and exploratory case studies. This research adopts an explanatory case study approach to study the formation, functioning and effectiveness of the GUNs, WUCs and the WWCs. Yin (2009) also categorises case studies as single, holistic and multiple-case studies. The aim of this research is to examine a small number of multiple-case studies as both internal contrasts and comparisons between cases are desired, which is neither feasible nor reasonable for a large number of cases. Investigating a large number of cases studies is not feasible, given the time constraints and resources for this research project. Priority is given to a significant width and depth in the case study approach to capture the developments of global worker bodies. The comparative design is used to outline similarities and differences between different global worker bodies across the three case studies. Multiple cases enable to identify whether an emergent finding is distinctive to a single case or consistently replicated by a number of cases (Eisenhardt, 1991).

A case study approach investigates the phenomenon in its real-life context, where the context and the research subject boundaries are blurred (Yin, 2009). It is a useful approach when the researcher cannot control the setting or is specifically interested in a phenomenon within its context (Yin 2009). The context is particularly important for this research, as the global worker bodies are part of the wider regulatory space for global employee voice. Moreover, it allows the researcher to gain a more accurate picture and permits her to triangulate facts, based on different sources (Yin, 2009). The case study approach is often criticised for not being suitable for scientific generalisation (Lincoln and Guba, 2000). However, Yin (2009) suggests that the case studies are generalisable to theoretical propositions and provide analytical generalisation rather than statistical generalisation. Like a series of related experiments, multiple cases are separate and used as replications, comparisons, and extensions to the theory development (Yin, 2009). Building theory from case studies is based on the replication logic (Eisenhardt, 1989). This suggests that each case serves as a distinct analytical unit.

To support the credibility and transferability of the study it is important that the case study selection process is not a disorganised activity (Yin, 2009). The selection process is purposive and with a theory development in mind, so that the case studies are selected on the grounds of appropriateness and adequacy (Kuzel, 1999; Seawright and Gerring, 2008). The criteria are as following:

- the company is a multinational operating in the EU and non-EU member countries
- it is operating in the metalworking sector

- it has a Global Trade Union Network (GUN), World Union Council (WUC) or a World Works Council (WWC).

It would have been impossible to study all 65 global worker bodies that exist (28 GUNs and 37 WUCs/WWCs). Therefore, the decision was made to choose three companies with distinct global worker bodies: a Global Trade Union Network, World Union Council and a World Works Council. The case studies have been selected to be representative of different pathways to global employee voice. To control for sectoral differences, all cases were chosen from one sector – the metalworking sector. The metalworking industry tends to be at the forefront of development of global worker bodies. As outlined in Chapter 1, there are 15 WUCs/WWCs and 11 GUNS in the metalworking sector. In comparison, there are ten WUCs/WWCs and five GUNs in the services sector; eight WUCs/WWCs and six GUNs in chemicals. The metalworking sector also has the largest number of the European Works Councils (EWCs). The ETUI (2019) shows that there are 426 EWCs operating in the metalworking sector. In comparison, there are 254 EWCs operating in the services sector and 204 in chemicals (ETUI, 2019). This can be explained by the fact that the metalworking sector is characterised by large factories, gathering large numbers of employees in one place. This makes it easier to organise employees and launch the establishment of company level global worker bodies. Other sectors, with smaller companies and much more dispersed workforces (e.g. textiles) often find it more difficult to coordinate the establishment of company level bodies.

The case studies have been chosen with the help from IndustriALL Europe and IndustriALL Global. The challenges of selecting an appropriate case study could be partially overcome by the implementation of preliminary interviews with experts (IndustriALL Europe and IndustriALL Global), who provided the researcher with a richer insight into the context of the case studies. It helped to determine what companies are not interested in the research, so that they could be removed from the list of potential case studies due to lack of access.

Table 4.1 Case studies.

Country of HQ	Sweden	Germany	France
MNC	Swedish-Co	German-Co	French-Co
Global worker body	World Union Council	Global Trade Union Network	World Works Council
Global Trade Union Federation	IndustriALL Global	IndustriALL Global	IndustriALL Global

4.4 Methods of data collection

4.4.1 Semi-structured interviews

The following research design was used in this study (Figure 4.1). The research focuses on two main methods of data collection: interviews and documentary analysis. The triangulation between these methods is intended to complement the flaws of specific methods in some areas with the strengths of methods in other areas.

Figure 4.1 Research design



An 'interview' can be defined as a purposeful and structured conversation between two or more people (Kvale and Brinkmann, 2009; Saunders et al., 2007), which requires careful questioning and listening to encourage in-depth discussion (Baxter and Babbie, 2003). There are different types of interviews: ethnographic, informant, respondent, narrative and focus group (Lindlof and Taylor, 2002). This research focuses on informant and respondent interviews. The former refers to the savvy social actors called informants, who inform the researcher about the scene and context, provide observations and opinions (Lindlof and Taylor, 2002). The respondent interviews, in contrast, are conducted mainly to get subjective standpoints. Used together they provide a richer account of the research subject and its context. The advantage of interviewing as a method is that it helps to explore the opinions of research subjects, while considering these views as culturally honoured reality (Miller

and Glassner, 2011:133). It also enables the researcher to include new elements and dimensions triggered by earlier responses (Whipp, 1998).

This research uses in-depth semi-structured interviews. Semi-structured interviews enable participants to provide an ‘answer more on their own terms’ (May, 1997:111) whilst following a schedule of topics. The semi-structured interviews are adequately structured to address the research questions while also providing space for participants to offer new interpretations to the topic (Galletta, 2013). For this research, the outline of the interview was drafted, but the actual conversation did not always follow this structure. The interview schedules could be found in Appendix 3. The interview schedules reproduced in Appendix 3 are composites, as each interview was slightly different given the nature of the semi-structured interviews. From the answers received the discussion expanded on certain aspects, which enabled the researcher to follow a more flexible approach, letting the conversation flow as long as main areas of interest are covered. In addition, the interviewer can react to answers provided by the interviewees, encouraging the participant to provide further explanations which also enables the researcher to explore underlying motives, opinion and experiences and get useful examples. Semi-structured interviews provide researchers with a higher level of comparability than in an unstructured interview. Unstructured interviews would not have been appropriate for this research, as they fit better the process of development of research questions. In this study, the research questions were formulated prior the interview stage.

In total there were 29 participants interviewed. For the theoretical purpose these interviews are divided into two groups: company case study interviews and ‘expert’ interviews. Company interviews include conversations with employee representatives, management and trade union officials at the national level. Expert interviews for the purpose of this study refer to interviews with Global Union Federations (IndustriALL Global and PSI), European Trade Union Federation (IndustriALL Europe) and the ETUI. Expert interviews provide a broader picture of the development of global worker bodies in multinational companies, the environment in which they operate and the insight into the three case studies. Some of these experts act as coordinators and facilitators in these global worker bodies, hence providing an in-depth knowledge on such issues as their formation, functioning and effectiveness. A detailed list of interview codes used throughout the thesis can be found in Appendix 2.

Table 4.2 List of expert interviews.

Interviews	Total	IndustriALL Europe	ETUI	IndustriALL Global	PSI
Experts	9	2	1	5	1

Table 4.3 List of interviews by company case study.

Interviews	N	Swedish-Co	German-Co	French-Co
Employee-side	16	4	8	4
Management-side	2	1	n/a	1
Trade union officials (from national trade unions at the country of HQ)	2	1	1	n/a
Total	20	6	9	5

Majority of the interviews were verbal and were conducted via telephone and Skype and where possible face-to-face. The researcher went to Brussels (Belgium) and Gothenburg (Sweden) to conduct face-to-face interviews. Due to the global nature of this study, it was not possible to visit each participant in their respected locations and meet face-to-face. In these case Skype interviews and telephone interviews proved to be helpful and appropriate. Interviews were recorded and the researcher also made field notes, such as notes regarding the materials to look at after the interview (for example, Global Trade Union Federation officials often referred to articles published on the GUF website). Field notes also helped to highlight the context of the interview, such as jokes or sarcasm. Three interviews were conducted through the email exchange, where participants received a written list of questions to answer. In these three cases a preference for a written interview was expressed by the participants (either by choice or due to not being able to communicate in English). The support gained from the interviewees helped the research process, as it was possible to exchange emails and update case study reports during the case study writing-up stage. Except for the three interviews, all conversations took place in English. In the three cases, where participants did not speak English, researcher made the necessary adjustments. In one case, a telephone interview took place in Russian (the researcher is a native speaker). In the other two cases, the interview questions were translated into Spanish and into Mandarin and sent to the participants via the email (both interviews were written). The transcripts of the interviews that took place in language other than English (Russian, Spanish and Mandarin) were translated into English. This was done by the researcher herself (Russian), by the supervisor (Spanish) and by the translator (Mandarin native speaker). In the instances where the standard of spoken English was poor (due to strong foreign accent), the researcher asked follow-up questions and on two occasions a follow-up email was sent to clarify some answers (e.g. the structure of the metacluster, which was not clear initially). In both cases, participants responded with additional information (e.g. the interviewee sent an organisational chart) and provided clarifications. In the instances, where the standard of English was poor, the researcher went through the recording multiple times, which was a time-consuming process.

4.4.2 Documentary analysis

Another collection method used for the data collection is documentary analysis. Documents include three domains: creators, users and settings (Prior, 2003). This categorisation implies that the creator's anticipated meaning of the document might differ to user's interpretation and understanding, which could be influenced by a number of factors such as institutional context, belief systems and language. Prior (2008) argues that documents are 'actants' – both objects and actors. It suggests that a document is analysed not just in terms of its content but also in light of the social context of its production and use (Prior, 2003). The documents in this study were relevant for their content but also played a role in giving power and strengthening positions of some actors and guiding the eventual outcome. There are three approaches to interpreting documents: semiotics, qualitative content analysis and historical analysis (Bryman and Bell, 2015). This thesis adopts qualitative content analysis, refers to the identifying of underlying themes, which are usually illustrated with quotations (Bryman and Bell, 2015).

Documents are diverse and it is possible to use them to address a broad range of research questions (Lee, 2012). A study involving collection of documents can be particularly useful when other sources are limited and documents are available in appropriate numbers to offer a sensible answer (Lee, 2012). In addition, as many documents are readily available and endure over time, the research questions may cover a longer period than may be possible when using other methods. However, the main issue with documentary analysis is the question of credibility. Documents need to be reliable, credible, representative and authentic, so that they remain in the form produced by the author (Lee, 2012). Moreover, the real practice may be different from what is outlined in the documents. The agreements, for instance, may not necessarily reflect the real practice in the companies. Comparing the factual data with what has been discussed at the interviews helps to overcome this limitation. Table 4.4 demonstrates at which levels of the regulatory space framework (global, European, national and company) the data was collected from interviews and documentary analysis.

Table 4.4 Levels of data collection (from interviews and documentary analysis).

Level:	Interviews:	Documents:
<u>Global level</u>	Global Union Federations (IndustriALL Global, PSI)	Agreements establishing World Union Council and World Works Council; International Framework Agreements; Codes of Conduct; IndustriALL Global checklists, Memorandums and online materials
<u>European level</u>	ETUF (IndustriALL Europe), ETUI	European Works Council Agreements; European Directives; European Works Council related materials (project maps, newsletters available online)

<u>National level</u>	National trade unions	Press releases from the national trade unions; Campaigns documents (available online); Trade union organisational charts and other materials (provided by interviewees)
<u>Company level</u>	Company interviews	Company annual reports and half year reports; Press releases available online

4.4.3 Sample

Sampling procedures in a qualitative study are not so strictly prescribed as in quantitative experiments, but constitute an important step in the research process. The technique adopted in this research is purposeful or theoretical sampling, which implies that cases are selected because they are suitable for illuminating and extending relationships and logic among constructs and could offer theoretical insight. Patton (1990) argues that all types of sampling in qualitative studies may be incorporated under the broad definition of ‘purposeful sampling’. Indeed, he suggests that ‘qualitative inquiry typically focuses in depth on relatively small samples, even single cases, selected purposefully’ (Patton, 1990:169).

An additional technique used in this study to find research subjects is ‘snowball sampling’ – a strategy when one participant provides the researcher the name of another subject, who in turn gives the name of a third, and so on (Vogt, 1999). An important advantage of snowball sampling is that it provides the access to previously hidden populations (Atkinson and Flint, 2001). Indeed, trust may be established as referrals are made by acquaintances or colleagues rather than other more formal methods of identification. In this research snowball sampling proved to be useful, as the ETUF informants referred to the colleagues at the GUF, who in turn helped to access the case studies.

In accordance with the argument of Strauss and Corbin (1990:136), this thesis suggests that saturation is a ‘matter of degree’. This thesis understands that saturation occurs when the research interviews become counter-productive, because the new themes do not add to the researcher’s understanding of the phenomena and do not advance the theory. Strauss and Corbin (1990) explain that sometimes the problem of developing a conclusion is not necessarily a lack of data but an excessive amount of data. It was more important that the data were detailed and provided a true insight into the experiences of the participants interviewed than it was to have large number of interviews. This is a natural process, whereby no new insights were made regarding the aims of the research, demonstrated that the sample was beginning to reach saturation.

4.5 Data Analysis and Coding

To create a database, each interview was transcribed. Interviews conducted in different languages, were translated into English. Data cleaning – formatting of raw data into a particular format (Thomas, 2006) – and printing and backing up of each file took place. ‘Precoding’ (Layder, 1998) was also done by underlining, highlighting phrases and paragraphs of interview transcripts that deemed as striking. Next, data was uploaded to NVivo source section and the researcher started data analysis. At this stage field notes made during the interviews proved to be helpful. Field notes are key for rigorous qualitative research as they provide a context for analysis (Creswell, 2013).

There is a strong tradition in qualitative research of developing codes ‘directly’ from the data (Linneberg and Korsgaard, 2019). The analysis strategy used in this thesis is based on the inductive approach (sometimes referred to as the grounded theory approach). According to this approach, codes are developed from the data using the terms or phrases used by participants themselves (Linneberg and Korsgaard, 2019). In the analysis the distinction has been made between two types of codes: static and dynamic codes. The static codes are the codes established prior the data collection from the literature review and research questions. For example, since this study focuses on formation, functioning and outcomes of global worker bodies, these codes were included in the analysis. Some topics came up during the literature review, such as managerial attitudes and how it affects employee voice. This indicated that the managerial attitudes might emerge within the data collection process. In contrast, dynamic codes are drawn from the raw data.

Table 4.5 The Coding Process (adapted from Thomas 2006:242).

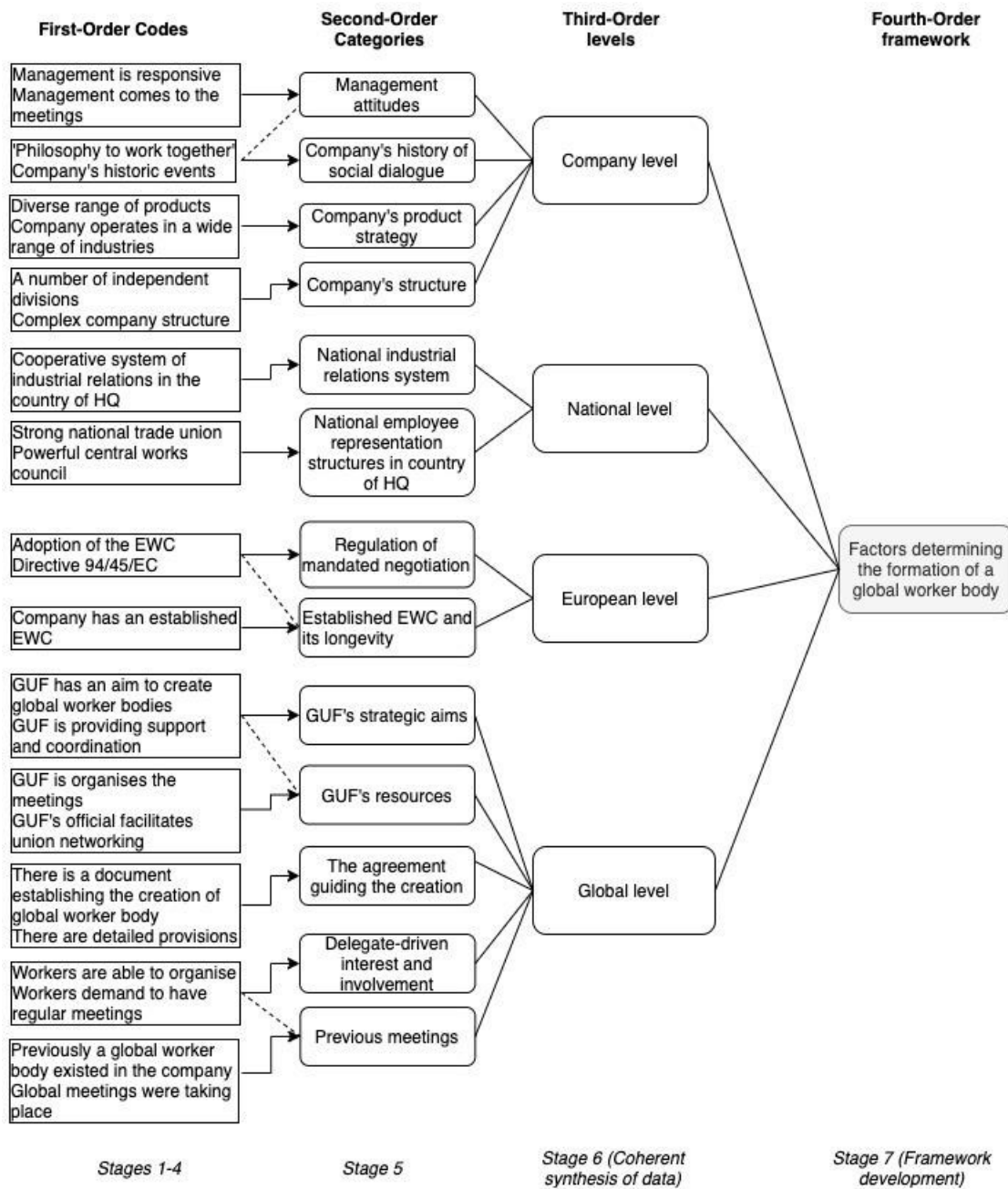
Stages:	Procedures:	Amount of data:	Coding cycle:
1.	Initial reading of text data	Many pages of text	First Cycle
2.	Identify specific text segments of the text to create codes	Many segments of text	Coding
3.	Label the segments of text to create codes	30 to 40 codes	
4.	Reduce overlap and redundancy among the codes	15 to 20 codes	
5.	Develop categories by grouping similarly coded data	3 to 8 categories	
6.	Explore the relationships across codes and categories	Coherent synthesis of data	Second Cycle
7.	Create a theoretical model incorporating most important codes and categories from the First Cycle	Framework	Coding

Table 4.5 adapted from Thomas (2006:242), shows the main stages of the coding process that took place in this study. Stages 1-5 can be referred to as a First Cycle Coding. Stages 6-7 can be referred to as Second Cycle Coding, which involves more advanced reorganising of the data coded through the First Cycle (Hedlund-de Witt, 2013). The First Cycle uses informant-centric terms and the Second Cycle becomes more researcher-centric so that concepts and themes from existing theories may be introduced to lift the analysis to a higher level of abstraction (Gioia et al., 2012). In this study, the regulatory space framework was introduced at the Second Cycle Coding to move forward in the coding process (Figure 4.2 at the end of this section shows an example of the coding process adopted in this study).

NVivo software (NVivo 11 and NVivo 12) was used during the First Cycle Coding. An NVivo project has been created for every case study. In stages 2 and 3 nodes were developed by analysing text. By using the inductive process, nodes were grouped to reduce overlap. At stage 5 relevant categories were established by grouping the codes. These categories were then exported as Word files. During the Second Cycle Coding, manual coding was used to explore the relationships between categories and codes. Through extensive reading and analysis, a number of themes started to emerge. It was also possible to compare the case studies. This coding process permitted a more detailed analysis, enabling the researcher to develop theory, taking into account the underlying meaning of the participants' experiences evident in the narratives. Although coding facilitates theory development it does not constitute a systematic analysis of data. Therefore, it is the researcher who draws the key themes and findings.

Combining both NVivo and manual coding proved to have a number of benefits. Qualitative data software such as NVivo allows for the organisation and storage of text in Word and pdf format, which means the data can be accessed and reviewed quickly and easily. It also means that all documents can be stored in respective case study projects in NVivo. However, there are some shortcomings of qualitative data software. First, NVivo coding based on query searches can potentially affect the richness of the data. Use of manifold synonyms might lead to partial retrieval of information, as the software can only spot words and their synonyms. In this study, participants used such terms as 'structure', 'committee', 'council' interchangeably and often referring to different bodies such as the EWC, the steering committee, specific 'metacluster' (in the case of German-Co) and the GUN/WUC/WWC. Therefore, the context is key in order to understand what structure the interviewee is referring to. Secondly, critics state that the software can create a distance between the researcher, data, and fieldwork experience (Denzin and Lincoln, 2011). For example, it was not possible to upload handwritten fieldnotes to NVivo. An attempt has been made to overcome these limitations by 'precoding' manually, using fieldnotes and manual coding in the Second Cycle Coding.

Figure 4.2 An example of the coding process adopted in this study (based on Gioia et al., 2012:21)



4.6 Issues of Gaining Access and limitations

Often the process of gaining access is depicted as no more than an obstacle that precedes 'the "real" research' (Crowhurst and Kennedy-Macfoy, 2013:463). Despite that, gaining access is often problematic throughout various stages of the data collection, which can significantly delay the research process. The role of gatekeepers is key, as they provide access, monitor, and control the activities of the researcher. They could introduce the researcher to valuable informants, but they may also halt the access process, attempt to accelerate findings, or anticipate conclusions that they predict to be advantageous for their organisations (Okumus et al., 2007). For example, management can only

give access to certain informants, which takes away certain amount of control from the researcher. In this study, access to the companies was sought through IndustriALL Global officials, who helped establish initial contacts with the EWC Chairman (German-Co), the WUC Chairman (Swedish-Co) and the WWC Secretary (French-Co).

Access is not only a practical issue; sometimes the discovery of obstacles to access and the effective means of overcoming them, provide their own insights into the social organisation of the setting. At each of the three companies, it was agreed that the researcher should interview employee representatives in Europe and outside of Europe and company management that is directly involved in these bodies. However, in the case of German-Co it was not possible to interview management, due to significant delays and non-response. On one occasion, the researcher received an email refusing to be interviewed from one of the German-Co managers. Throughout the research the scheduling of interviews was repeatedly delayed, which was one of the major challenges in the data collection.

The nature of transnational operation varies mostly by sector, explaining why cross-border company-level trade unionism is strongest in large metalworking companies (Anner et al., 2006). To control for sector differences, all three case studies were chosen from the same sector. However, as Anner et al. (2006), Bernaciak (2010) and Dufour-Poirier and Hennebert (2015) demonstrate, sector is important dimension that shapes the transnationalisation of union actors. Therefore, one of the limitations of this study is the generalising the findings across other sectors. This is particularly the case for services sector, which until more recently has rarely been a site of global collaboration (Tattersall, 2007). Indeed, international organising has been one of characteristics in metalworking, maritime, logistics and telecommunications sectors for decades, but services unions have prioritised global collaboration more recently (Tattersall, 2007).

4.7 Ethics

At any stage of research, ethical issues may arise, which relate to protecting the privacy and rights of participants, as well as relating to methodological principles in both analysis and interpretation of findings. Therefore, ethical issues need to be considered in undertaking research. These usually include 'issues of harm, consent, deception, privacy and confidentiality of data' (Punch, 1998:168). In this research seven main principles of ethically sound research were considered: informed consent, avoidance of deception, participants' privacy, respect, beneficence, justice and accuracy of data and its interpretation (Flick, 2008:69).

Prior to the data collection, the researcher completed the university's online process for ethical review. Research access was negotiated in an honest and informed way. Prior to each interview the interview questions were sent to the participants (on three occasions they were translated into the

participant's native language) to ensure they fully understand the research aims and the topics that could be discussed. Some participants sent written answers to these questions before the interview, which was found helpful.

Before the start of each interview, verbal permission was obtained from each respondent to digitally record the interviews. Interview recordings were stored securely by the researcher. Participants were informed about the research aims and that the recordings would be transcribed and used for research purposes. Participants were told that their identities would be anonymous (no names used throughout the dissertation and any subsequent publications). The company names were also anonymised throughout the thesis. However, the researcher made it clear that the role of participants such as employee representative were going to be mentioned, as well as their respective trade union organisations. Participants were informed that the recorder could be stopped at any time during the interview and debriefed that they could withdraw their permission to use any of the information obtained in the interview at any time and for any reason. Interviewees were asked if they would be happy for a follow up interview to take place, if deemed necessary by the researcher. Interviewees were also informed about how the researcher could be contacted after the interview if the participant wished to do so. In fact, a long email conversation took place prior to each interview to schedule the appropriate time (to account for time difference across time zones), so that the researcher and participants were able to contact each other at any time. Participants were also made aware that interview transcripts were available for them in case they wish to access them. Only two participants requested a copy of the interview transcript and one of them made several small comments, elaborating on the information initially provided.

4.8 Summary

This chapter provided the methodological discussion and clarified the research aims and methods that this study has followed. It started with research aims, followed by the discussion of the philosophical paradigm and the theoretical framework. Following this, the research approach was outlined together with the case study methodology. Subsequently, the data collection methods – semi-structured interviews and documentary analysis – together with the sampling were introduced. This chapter explained the data analysis and coding process used in this research. Lastly, the issues of gaining access, limitations of generalising findings across sectors and ethics were discussed.

Chapter 5 National worker representation frameworks

The aim of this chapter is to outline national worker representation frameworks, which provide background for the case studies that are presented in the next chapters. The following chapter introduces three distinct industrial relations systems: the Swedish model, the *Modell Deutschland* and the French model. It acknowledges the tradition of ‘varieties of capitalism’ literature (Hall and Soskice, 2001; Coates, 2000; Whitley, 2000), and focuses on the differences between the three models. The discussion provided in this chapter helps clarifying the impact national systems of industrial relations may have on global worker bodies. In particular, it is key for establishing a ‘country effect’ (Gilman and Marginson, 2002), which suggests that global worker bodies may resemble the national arrangements for employee information and consultation of the home country. Based on the findings from the case studies, this country effect is discussed in more detail in Chapter 9.

5.1 The Swedish Model

In Sweden, workers are involved in corporate decision-making through collective bargaining, representation on company boards, and co-determination regulated by law (Wheeler, 2002). In this thesis, the main focus is on two pieces of legislation: the 1976 Co-determination at Work Act and the 1987 Act on Board Representation for Employees in Private Employment. Unlike other European countries, Sweden does not have works councils. Swedish trade unions have always been sceptical of such an arrangement (Brulin, 1995). In contrast with some EU Member States, workers are represented by local union ‘clubs’ (‘fackliga klubbar’ - groups of union members in the same workplace) and not by separate works councils (Anxo, 2017; Fulton, 2021). The so-called ‘Swedish model’ can be described as a single-channel system, where employees are represented by their trade unions. Such a system of industrial relations is built on trust between the parties and union strength in the negotiations. Trade union power is not a result of legal requirements – in fact, neither employers nor unions are interested in this – but of the willingness and ability on the part of unions to start the industrial action (Brulin 1995). This is explained by the fact that the majority of companies are covered by the collective agreements and high proportion of employees who are members of the trade unions (Votinius, 2012).

The 1976 Act on Co-determination at Work (MBL) gives unions recognition, information and consultation rights, mutual right to organise and the rights of board-level representation. The MBL outlines that the management of companies should be a joint effort by managers and union representatives (Sandberg et al., 1992). Both sides have equal information rights, implying that unions have the freedom to access all relevant information available from the company. Moreover, the MBL lays down that unions must be consulted by management prior to major changes in the

company, such as restructuring or the introduction of new technology. Although managerial prerogative ultimately remains intact, the unions are given time to investigate the issue and to consult their members before the employer makes the decisions (Votinius, 2012). It is important to note that the MBL leaves many of the practical details to be worked out locally through negotiation between employers and unions. Unlike other European states, the legislation does not contain a series of detailed provisions, which must be complied with. Instead, the MBL sets out a number of more general requirements, providing unions with rights to negotiate on any matter related to the relationship between any member of the union and the employer (Votinius, 2012). The MBL is a framework law, which has to be implemented through collective agreements. Collective agreements increase union influence over company decisions. Since employers are covered by separate agreements for different sections of their employees (manual, non-manual, management), several unions in a single workplace have the right to appoint workplace union representatives (*arbetsplatsombud*) (Fulton, 2021). Legislation provides no guidance on how union representation at the workplace should be organised. This is left to individual unions and varies in practice, as demonstrated in a comparison below.

Unionen, the largest union in Sweden (566,000 non-manual members in 2019), states in its rules that clubs and workplace representatives are the union's bodies in the companies. A club can be formed if there are at least five Unionen members at the workplace and they agree to its formation at a meeting. If there is no club, members can appoint representatives. The club board, elected by the members, negotiates with the employer, but this responsibility can be taken on by union representatives, if there is no club, provided this has been specifically agreed at the annual union meeting. At the end of 2019, there were 2,710 union clubs and 3,471 union representatives in Unionen (Unionen Stadgar, 2019 cited in Fulton, 2021).

Kommunal is the largest union in the blue-collar union confederation with 501,000 members in 2019. Kommunal states that members are able to organise in clubs, negotiating groups or other groupings. The precise form is decided in consultation between the members and the leadership of the section (department of the union covering a workplace or employer). Elected representatives in the section are responsible for representing members' interests in relation to the employer, and individual workplace representatives are given authority to negotiate on operational issues once they have completed union training (Kommunal Stadgar, 2019 cited in Fulton, 2021). At the end of 2019, there were 24,097 individual workplace representatives, 102 clubs and 239 sections in Kommunal (Kommunal Stadgar, 2019 cited in Fulton, 2021).

IF Metall is the largest manual private sector union with 242,000 members in 2019 (Fulton, 2021). The workplace organisation in IF Metall is similar to that in Unionen, with clubs in larger workplaces

and union representatives in smaller ones. However, IF Metall's policies state that the individual representatives do not have responsibility for negotiations with the employer. If there is no club, all local negotiating tasks, including those relating to operational changes, are taken on by the higher levels of the union (IF Metall Stadgar, 2017-20 cited in Fulton, 2021). At the end of 2019, IF Metall had 1,348 clubs and 3,644 individual representatives (IF Metall Verksamhetsberättelse, 2019 cited in Fulton, 2021).

There is a long tradition of social dialogue in the private sector in Sweden. In the private sector there are two main agreements. First, the 1982 agreement on Efficiency and Participation (known as *Utvecklingsavtalet* – the Development Agreement). According to this agreement, the Swedish Trade Union Confederation and the Swedish Employers Association agreed on the broad goals of increasing efficiency, profitability, and competitiveness of business. Moreover, employers are required to provide information at both the local and central levels (Wheeler, 2002). The second one is the Master Agreement (known as *Saltsjöbaden* by the name of the place where it was signed) signed in 1938, in which the Swedish Trade Union Confederation and the Swedish Employers Association agreed to take part in conflict resolution procedures and set out the rules on collective bargaining and industrial action (Elvander, 2003). The agreement outlines the foundations for what is known as the centralised 'Swedish model' of collective bargaining (Votinius, 2012). It is characterised by a willingness to cooperate, mutual respect, the desire to arrive at peaceful solutions based on compromise and a sense of responsibility for developments in the labour market. This agreement was replaced in 1997 by the 'Cooperation Agreement on Industrial Development and Pay Determination' (so-called Industrial Agreement of 1997), which is an agreement on co-operation between all trade unions (including white collar unions) and the employer organisations concerned in the industrial sector (Elvander, 2003). Elvander (2003) concludes that there are a lot of similarities between the Master Agreement and the Industrial Agreement, as both promote the cooperation between employers and unions.

At the company level, board level representation is widespread in Sweden. Since 1973 Swedish workers have had the right to representation on company boards. Sweden has one-tier board structure (monistic with a single board of directors), and the legislation does not provide for a separate supervisory board. The board of directors oversees the company's affairs. Under the 1987 Act on Board Representation for Employees in Private Employment, workers in companies with more than 25 workers have the right to elect two board members (in companies with more than 1,000 employees in at least two types of businesses, this rises to three). The worker representatives, however, can never be in the majority (Jackson, 2005). The worker representatives on the board are chosen by the unions that have collective agreements at the workplace (Votinius, 2012). This is done either through local agreement between the unions in the company (provided they represent a majority of the workers). If agreement cannot be reached, the statutory rules are applied (Votinius, 2012). It outlines that if one

union has 80% of the workers in the company, it is entitled to both of the worker seats on the board; otherwise each of the two unions with the largest membership in the company each have a seat (Board Representation (Private Sector Employees) Act, 1987:1245, Section 8). In practice, it is common for one of the worker representatives on the board to come from the blue-collar union confederation the LO and the other to come from one of the two non-manual confederations: the Swedish Confederation of Professional Employees and the Swedish Confederation of Professional Associations. They can be chosen in a number of ways, including election at the union meeting in the company, appointment by the union, or a membership ballot. On most issues, board members representing workers have the same rights as those representing the shareholders of the company. However, worker representatives cannot take part in discussions relating to collective bargaining or industrial action, or other issues where there is a clear conflict of interest between the company and the union (Votinius, 2012). In practice the opportunity of having employee representatives on the company boards is not used as widely as it could be. The PTK (the non-manual negotiating body which brings together private sector unions) indicates that in 2018 there were about 15,500 limited companies where employees had the right to appoint board-level representatives. However, only about 1,800 companies had registered employee members with the Swedish Companies Registration Office in 2018 (PTK, 2021).

Overall, Sweden represents the ‘Scandinavian’ cluster of industrial relations. Sweden has a marked ‘collective’ tradition: employers tend to be members of employers’ confederations, and employees, including managers, members of unions (Huzzard and Docherty, 2005). Relations between the social partners are comprehensively regulated by labour legislation and joint agreements. A high proportion (around 82%) of employees in the private sector work for employers who are covered by collective bargaining, as do 100% of workers in the public sector. As a result, overall bargaining coverage is high, it is estimated to be 88% in 2019 and has remained largely unchanged for 10 years (Fulton, 2021). The high coverage rate of collective bargaining in Sweden is not related to the existence of legal provisions for mandatory extension of collective agreements but rather to the high density rate of employers’ associations and the strong presence of trade unions at the company/organisation level (workers represented by union ‘clubs’). This has been discussed earlier in the section. Trade union density was 65% in Sweden (as of 2018 and 2019), which is relatively high from the international perspective (OECD statistics, 2019). However, the union density continues to decrease, which means that the Swedish model for collective bargaining could be under threat. Moreover, while trade unions are losing members, membership of employer organisations remained high at 88% in 2019 (Gustafsson, 2019). In addition, most collective agreements are three years in length and therefore every third year sees a more large-scale bargaining round. This will be the case in 2020, when 500 out of 670 agreements (covering around 2.8 million workers) are set to expire and will consequently need to be renegotiated. As a result, the third and fourth quarter of 2019 are expected to be dominated by

activity from social partners as they define their positions ahead of the negotiations (Gustafsson, 2019).

5.2 Modell Deutschland

'*Modell Deutschland*' is a term often used to describe the unique nature of German industrial relations (Streeck, 1995). It used to be regarded as 'a model case for stable long-term high trust alliances between capital and labour' (Tüselmann and Heise, 2000:165) and has been addressed in the 'varieties of capitalism' debate (Hall and Soskice, 2001; Thelen 2009). German employment relations are characterised by a high degree of juridification. Since the late 1960s, the government has been actively involved in labour employment policies, which are regulated by such laws as the Works Constitution Act, the Co-determination Act, the Collective Agreement Act, and the Social Security Act (Bamber et al., 2004). The main characteristic of German model is its 'dual-system' of industrial relations: co-determination at the workplace and company levels as well as collective bargaining at the industry level. 'The two levels in the dual system are mutually reinforcing' (Thelen, 1991:16). The three main pillars of the German model are often outlined as:

1. Employee representation at plant level in the form of works councils,
2. Employee representation at company level in the form of supervisory board,
3. Employee representation at an industrial level in form of collective bargaining.

A review of so-called *Modell Deutschland* starts with the understanding of the works councils (*Betriebsrat*). Under the 1952 Works Constitution Act, works councils are mandatory in all private enterprises that exceed a size of five permanent employees (Keller and Kirsch, 2011). However, the creation of works councils is not an automatic process and depends on the initiative of the employees. In practice, many smaller workplaces do not have a works council. The works councils have co-determination rights prescribed by law on 'social matters' including the organisation of working time, introduction of new methods of payment, and fixing of job and bonus rates. These rights are legally enforceable. Works councils and management negotiate works agreements, as long as these do not contradict the provisions of industry-wide collective agreements (Keller and Kirsch, 2011). If consensus cannot be reached, the arbitration committee, which consists of employer and works council representatives and a neutral chair deals with the matter. However, these negotiations are usually non-conflictual, as both management and works council are required to cooperate and because works councils are not allowed to strike. Works councils ensure that some of the key decisions at the workplace are not individually taken by the employer and include representatives of the workforce. However, the works council cannot consider only the interest of the employees. Their legal basis is to work together with the employer 'in a spirit of mutual trust for the good of the employees and the establishment' (Works Constitution Act, Section 2). The law recognises that trade unions have a separate duty to protect the interests of union members (Fulton, 2021). Works councils are normally

not involved in collective bargaining. However, they can reach agreements with individual employers on issues not covered by collective agreements, and there are a whole range of topics such as employment security, the organisation of working time, rules on internet use or working from home, where works councils have reached agreements with local employers. These include some aspects linked to earning, such as bonus rates, performance-related pay. Recently works councils became more involved in these issues, as some agreements include ‘opening clauses’, which permit the works council and local management to agree variations to the deal reached by the union and the employers’ association at industry level (Fulton, 2021).

In addition to works councils at workplace level, if a company has several works councils it is required to set a central works council at company level. Central works council brings together representatives from plant works councils. A works council at the group level, covering all the companies in a group, can also be voluntarily created (Fulton, 2021). It is also important to note that works councils are entirely separate from the system of board level co-determination, discussed below.

Board level co-determination on supervisory board (*Aufsichtsrat*), e.g. employee representatives on the board of directors is regulated by the 1952 Works Constitution Act (*Betriebsverfassungsgesetz*) and the Co-Determination Act (*Mitbestimmungsgesetz*) that was passed in 1976. It is important to note that unlike Sweden, Germany has two-tier (dual) board structure with the management board and the supervisory board. Employees have the right to one-third of the seats in companies with between 500 and 2,000 employees, and half of the seats in companies with more than 2,000 employees.

Rosenbohm and Haipeter (2019) outline that the main benefits of board level co-determination are the access to privileged information and the ability to review decision-making, and promotion of informal communication between management and employees. The two channels of co-determination discussed above: works councils and employee representatives on supervisory boards reinforced the creation of sophisticated forms of cooperation at the workplace and company levels. Thus, the relations between capital and labour in Germany are characterised by the notion of mutual recognition within a ‘social partnership’. However, nowadays only small proportion of employees work in enterprises where their interests are represented both by works councils and by representatives on the supervisory board (Keller and Kirsch, 2011). Data from the IAB shows that, in 2018 only 9% of all eligible workplaces had a works council in West Germany and 10% in the East Germany. They covered 42% of all employees in the West and 35% in the East. Works councils covered 90% of employees in workplaces with more than 500 employees in West Germany, but only 8% of employees in workplaces with fewer than 50 workers. The comparable numbers for East Germany were 86% (more than 500) and 10% (fewer than 50) (IAB, 2018). The figures from the Hans Böckler Foundation show that in 2018 there 638 companies in Germany with more than 2,000 employees,

where employee representatives made up half the supervisory board. In 2019 this number increased to 651 companies (Hans Böckler Foundation, 2021).

The German model has a highly coordinated and robust system of collective bargaining (*Tarifverhandlungen*) (Hall and Soskice, 2001). The legal basis of collective bargaining in Germany is provided by the 1949 Collective Agreements Act (Keller and Kirsch, 2011). Collective bargaining in Germany mostly takes place at industry level between sectoral trade unions and employer organisations. Sectoral agreements are usually concluded at regional level, which means that there may be some regional variation. The collective agreements can be divided into wage agreements (addressing wage levels), framework agreements (focusing on payment systems) and umbrella agreements (focusing on working time, overtime, holidays). In the majority of industries, collective bargaining takes place at the regional and sectoral levels (Keller and Kirsch, 2011). However, there are some exceptions to this, such as Volkswagen, which negotiates its own company-level collective agreement with the trade union IG Metall. Despite the fact that the spread of company-level agreements is relatively limited, the coverage rate of industry-level agreements has diminished to an extent that some scholars refer to it as a ‘crisis of sectoral collective bargaining’ (Keller and Kirsch, 2011).

Researchers suggest that Germany is moving from a highly regulated and centralised, consensus-driven employment relations system (Grahl and Teague, 2004). It is becoming more liberal, market-driven and oriented to short-term maximisation of shareholder interests (Keller and Kirsch, 2011). The weakening of industrial relations institutions played a key role in this process (Baccaro and Benassi, 2014). As Lane (2003) points out the German model is in the process of converging towards the Anglo-American system. Research shows that concessionary plant-level bargaining is becoming common practice in Germany (Massa-Wirth and Seifert, 2004). Trade union density is decreasing in Germany and in 2018 was 16%, in comparison to 25.9% in 1998 (OECD statistics, 2019). The coverage by industry-wide collective agreements has decreased and continues falling. The proportion of employees covered by industry-level collective agreements in the private sector decreased from 66% in 1996 to 46% in 2018. In 2018, another 8% of employees were covered by company-level agreements (IAB, 2018). Thus, as Fulton (2021) states the overall collective bargaining coverage was 54% in 2018. The proportion of all employees in West Germany covered by collective agreements was 56% in 2018. In East Germany the number was 45% in 2018 (IAB, 2018). As the coverage of the industry-level collective agreements is falling, the German collective bargaining system has come under pressure. Doellgast and Greer (2007) use case study research to demonstrate that the position of trade unions is weakened by vertical disintegration in the form of subcontracting and usage of temporary agencies. It is difficult for German trade unions to regulate wages and working conditions across the production chain. Such examples as the unsuccessful metal industry strike of 2003 and

agreements on pay and working time at such companies as Siemens (June 2004) and DaimlerChrysler (July 2004) suggest weakening of the union position (Doellgast and Greer, 2007). In these cases, employers were able to diverge from collectively agreed benefits in order to improve their cost structure and competitiveness by increasing unpaid in the working week from 35 to 40 hours at Siemens and from 35 to 39 hours at DaimlerChrysler (Bispinck, 2006). IG Metall registered around 390 regulations that deviated from collective agreements in 2004 (Bispinck, 2006). However, some scholars argue that the German model is changing, but in a gradual and path-dependent manner, described as ‘transformation without disruption’ (Streeck and Thelen, 2005:4). For example, Behrens and Jacoby (2004) argue that unions and employers can prevent new work organisation from undermining the overall logic of the German model. Similarly, Frege (2002:233) outlines that ‘works councils currently remain a stable institution in spite of the current deregulation and decentralisation pressures on the German model’.

5.3 The French Model

Industrial relations in France can be described as paradoxical, as despite it being a pioneer of employee interest representation, few of the employee representation institutions provide effective employee voice (Gumbrell-McCormick and Hyman, 2006). Social dialogue is characterised by state intervention or acute social unrest. Therefore, the role of state and a tradition of mutual distrust between employers and trade unions explain the relative weakness of the French collective bargaining system (Rehfeldt and Vincent, 2018). Furthermore, scholars outline a dual paradox in the French model of industrial relations (Rojot, 2014). On one hand, unions are numerically weak and highly fragmented, but they still play an important role. On the other hand, the social climate remains highly open to conflict, which is reinforced by the ideology of violent opposition between the ‘wealthy oppressors’ and the ‘exploited masses’ (Rojot, 2014).

The French model is characterised by a dual channel of employee representation at the company level (Laulom, 2012). Company employees elect social and economic committees (replacing the personnel representatives, the works committees and the Health, Safety and Working Conditions Committees by January 1, 2020) while trade union delegates are nominated by the representative unions. These changes to the French system of industrial relations that are going to be introduced by 2020 are discussed in more detail below.

The oldest institutions of employee representation in France are the employee delegates (*délégués du personnel*), which were introduced by legislation during the Popular Front in 1936 following the general strikes. The employee delegates were compulsory in all companies with more than ten employees (Bruns, 1993). Traditionally, the French industrial relations system was also characterised by works committee (*comité d’entreprise*). Work committees were mandatory in workplaces with 50

employees or more. It was a joint body and included three types of representatives: an employer representative, who chaired the committee, a union representative and elected worker representatives (Bruns, 1993). Their main functions included managing social funds provided by the employer and acting as a forum for information and consultation on social and economic matters (Gumbrell-McCormick and Hyman, 2006). However, unlike German works councils discussed in the previous section, French work committees did not have co-determination rights.

A mandatory committee on health, safety and working conditions (*comité d'hygiène de sécurité et des conditions de travail*) was established in 1982 as a merger of two pre-existing committees on health and safety and on working condition (Rehfeldt, 2017). It was mandatory in workplaces with 50 and more employees. It was chaired by the employer and included representatives elected by the works committee and the employee delegates. Since 1993, it was possible, in smaller companies, to merge employee delegates, the works committee and the health and safety committee into a unique workforce delegation (*délégation unique du personnel*), either on the initiative of the employer or on the basis of an agreement with the majority unions (Rehfeldt, 2017).

These were the main features of the French system, but the labour reform introduced in 2017 has significantly changed the landscape of company-level employee representation. According to the 2017 Macron legislation, the three pre-existing information and consultation bodies: the personnel representatives (*délégués du personnel*), the works committees (*comité d'entreprise*) and the Health, Safety and Working Conditions Committee have to be merged into a social and economic committee (*comité économique et social*). Companies need to replace the current bodies by January 1, 2020 the latest.

The social and economic committee is a single representation body, which is mandatory in private sector companies with 11 or more employees (Turlan and Teissier, 2019). It includes members elected by the employees, representatives of the company management and representatives nominated by the unions. The social and economic committee is informed by management on such issues as the economic and social aspects of the company and new technology. It is consulted on the strategic orientation of the company, redundancies and vocational training without formal negotiation powers (Eurofound, 2019c). It is also responsible for managing social and cultural activities for which they have a budget, which is fixed by collective agreement. The social and economic committee files for individual and collective grievances and ensures the implementation of legislation and collective agreements, which were previously the tasks of personnel delegates. In a group of companies, a group committee (*comité de groupe*) can be created to act as a forum for information and consultation on social and economic matters. The seats on the group committee are distributed between the trade unions in proportion to the number of elected representatives they obtained in each electoral college (a

group of workers, which represents different grades of workers in the company) by application of the proportional representation system with the rule of the highest remainder out of the number of seats gained in the elections for work committees.

Board level employee representation (*administrateurs représentant les salariés*) is compulsory for large companies. The legislation introduced in 2013 extended board level employee representation, which was previously restricted to public companies, to private-sector companies (Gold and Waddington, 2019). According to legislation introduced in 2015 private companies with 1,000 or more employees in France or at least 5,000 employees worldwide must have one employee representative, where there are up to eight board members, and two where there are more than eight. In 2021, employees represent 13.7% of the members of the boards of directors of the 120 largest companies listed in Paris (SBF 120), in comparison to 7.4% in 2018 (Ethics and Boards, 2021). The French law provides companies with the choice between monistic (with a single board of directors) and dual (with a supervisory and a management boards) structures of corporate governance, and the requirement to have employee representatives applies to both (Conchon, 2018).

Another key feature of the French model followed the widespread social conflict in 1968. New legislation allows any representative union to designate trade union delegates (*délégué syndical*) and create trade union section (*sections syndicales*), which brought together their members on the shopfloor. Introduction of trade union delegates facilitated bargaining, and gave unions the ability to defend the interests of workers at the company level (Gumbrell-McCormick and Hyman, 2006). Trade unions' representativeness is an important right in the French system of industrial relations. At company level, only representative trade unions can enter collective bargaining agreements and enjoy such privileges as company-level recognition wherever they have at least one member, and a monopoly of nomination at the first round of work committee elections (Gumbrell-McCormick and Hyman, 2006). At the national level, only representative unions can conclude cross-sectoral national agreements and extended collective bargaining agreements. Until 2008 there were predominantly two ways representativeness could be established. Enforced by legislation in 1966, five trade union confederations had a so called 'presumption' of representativeness: General Labour Confederation, French Democratic Labour Confederation, General Labour Confederation – Workers' Force, French Confederation of Christian Workers and General Confederation of Managers. Thus, any trade union affiliated to these confederations gained representative status. Other unions were required to demonstrate their representativeness in the court. However, legislation was introduced in August 2008 that redefined representativeness criteria. According to this legislation, a union has to win at least 10% of the votes at company level to take part in collective bargaining. A baseline of 8% of the votes at industry level is established to be considered representative at the sector level. At the national level, the baseline 8% of votes has to be obtained (Rehfeldt and Vincent, 2018). However, although this

reform introduced significant changes at company level and some previously representative unions were excluded, five trade union confederations are still dominant at the national level (Rojot, 2014). In addition, the law introduced in 2008 also outlines a role of the new employee representative at the workplace level – the representative of the union (*représentant de la section syndicale*). The union representative can be appointed by a trade union that does not have representative status. However, the role of the union representative is more limited than that of the trade union delegate (*délégué syndical*). The negotiation is possible only where there is no trade union delegate and any agreement signed by the union representative must be approved by a majority of the employees. In fact, the main role of the union representative is obtaining votes in the next election for his/her union to gain the representative status (Laulom, 2012).

The French system is characterised by a high degree of fragmentation on the union side. Trade union membership has traditionally been low and now is one of the lowest in Europe (Rehfeldt, 2017). Trade union density was 8 % in 2018 with 5% in the private sector (OECD, 2019). Nevertheless, despite the low unionisation rate, unions play an important role, are strong and remain largely unchallenged (Rojot, 2014). This is due to high mobilisation capacity of the unions and the high support in the workplace elections. The role union membership has traditionally been distinctive in France. Trade unions constitute a small group of activists with the language of union leadership characterised by a spirit of class opposition (Gumbrell-McCormick and Hyman, 2006; Rojot, 2014). ETUI (2021) estimates the collective bargaining coverage in France to be 98% (as of 2018), which is explained by the extension mechanism⁶. Ministry of Labour has the power to extend the terms of the sectoral agreements to all the employers in the industry concerned (with or without registered membership in a professional association, and enlarge it to other similar industries or beyond its original geographic scope (Rehfeldt and Vincent, 2018; Fulton, 2021). The extensions of agreements to all employers in the industry are very common, while enlargements to new areas beyond its initial geographic scope are relatively rare (Fulton, 2021). Fulton (2021) cites a government report stating that in 2017 only five enlargements were approved, while 765 out of 887 extensions were approved in the same year.

5.4 Evaluation

The ‘varieties of capitalism’ has been analysed as a dichotomy (Hall and Soskice, 2001), as a trichotomy (Coates, 2000) and as a hexachotomy (Whitley, 2000). It is not the aim of this thesis to analyse all of the existing frameworks, but instead it might be helpful to view three industrial relations models from this perspective. Following the tradition of ‘varieties of capitalism’ literature, Sweden and Germany are the examples of coordinated market economies (Hall and Soskice, 2001), negotiated capitalism (Coates, 2000) and collaborative business systems (Whitley, 2000). The ‘varieties of

⁶ Extension mechanism was implemented in 1936 (Rehfeldt and Vincent, 2018).

capitalism' frameworks with three or more typologies, acknowledge the existence of capitalism that is different to Anglo-Saxon and separate from the Scandinavian and German. France falls in this category of state capitalism (Schmidt, 2002), characterised by a stronger role played by the government. France also falls under the 'Mediterranean cluster', which includes such countries as France, Italy, Spain, Portugal, Greece and Turkey (Hall and Soskice, 2001; Rehfeldt, 2017).

The Swedish and German models of industrial relations demonstrate Western European collective labour representation, which is characterised by relatively high levels of industry-wide collective bargaining and representation on supervisory boards and boards of directors. However, Sweden shows higher union densities, 65% in Sweden and 16% in Germany in 2018 (OECD statistics, 2019). Collective bargaining coverage was also higher in Sweden (estimated 88%) than in Germany (54%) in 2018 (OECD statistics, 2019; IAB, 2018). These figures could be compared to France, where trade union membership was historically low. The figures show trade union density was 8 % in 2018 and collective bargaining coverage was estimated 98% (OECD, 2019).

The role of trade unions also differs significantly in Sweden and Germany. In Germany, trade unions are responsible for collective bargaining at the sectoral and company level, while works councils are responsible for co-determination at the company level (Thelen, 1991; Keller and Kirsch, 2011). In Sweden, unions play a key role as there are no employee representation structures at the company level independent of trade unions (Brulin, 1995). The Swedish model implies collective bargaining and strong trade unions.

In France, different institutions of employee representation operate within a company such as social and economic committees, trade union delegates, representative of the union, as well as board-level representation. In contrast, in Germany only the works council and the employee representatives on the supervisory board of larger firms represent the employees. In Germany works councils are employee only bodies, while in France the company manager participates in social and economic committees.

In sum, some similarities are apparent between Sweden and Germany such as higher levels of industry-wide collective bargaining and a more established tradition of board-level representation in the private companies. This allows for useful comparison to France, where trade unions are fragmented with low membership. Moreover, the board-level representation in private companies in France was introduced following the legislation in 2013 and 2015. However, the comparison between two coordinated market economies – Germany and Sweden – shows some important differences. For example, the role of unions varies significantly. Moreover, Sweden has single-channel system of representation, where trade unions play a key role. As outlined above, the union densities are

markedly different between Germany (rather low) and Sweden (high). There are no works councils in Sweden, as unions have always been sceptical of such structures (Brulin, 1995). The comparison of the three models demonstrates that the industrial relations are different across the countries. The systems differ significantly, because they are formed by the country's historic and social development and well as cultural and institutional traditions (Croucher, 2010).

5.5 Summary

This chapter provides an overview of three models of industrial relations: the Swedish model, Modell Deutschland and the French model. It demonstrates the key differences between the system of industrial relations in Sweden, Germany and France. The main differences between the models have been outlined. The chapter sets the background and is an introduction to the three company case studies that follow.

Chapter 6 Swedish-Co Case Study

This chapter presents the Swedish-Co Group case study with a focus on the Swedish-Co World Union Council. The chapter begins by providing a brief outline of the company background, followed by historical development of the global worker body at Swedish-Co. In a chronological order it describes the creation of the Swedish-Co World Union Council (WUC), its composition, steering committee, agenda, annual meetings and other key provisions. The chapter then describes the main characteristics of the Swedish-Co European Works Council (created after the Swedish-Co World Union Council), which allows for comparisons to be made between the two bodies. Subsequently, the Swedish-Co International Framework Agreement (2003) and the Swedish-Co Code of Conduct (2014) are evaluated. The chapter finishes by highlighting the main themes that emerged from the case study, such as the role of the WUC Chairman, issues of affiliation to IndustriALL Global, flexible working and digitalisation.

6.1 Company background

The Swedish-Co is a bearing and seal manufacturing company founded in Sweden nearly 115 years ago. The company's trade union was established on the same day as the company was founded, demonstrating the close ties between the company and the union (Wheeler, 2002). Company's expertise lies in such areas as bearings and units, seals, mechatronics, lubrication systems and services, which include technical support and maintenance. The company's headquarters are located in Gothenburg, Sweden. Swedish-Co is one of the largest companies in Sweden and among the largest public companies in the world. In 2018 Swedish-Co employed 44, 868 people in 140 manufacturing sites in 32 countries. The average number of employees per region is demonstrated in the Table 6.1 below.

Table 6.1 Swedish-Co average number of employees (Swedish-Co Group, 2018a).

Region	Average number of employees	Percentage, %
Europe	22,882	51%
North America	6,730	15%
Latin America	2,692	6%
Asia-Pacific	12,114	27%
Middle East/Africa	448	1%

The company's turnover and profit are representative of the large-scale nature of the business (Table 6.2). Swedish-Co has had on average SEK 80 billion and SEK ten billion annual turnover and operating profit, respectively, across Financial Years ending December 31, 2018 and December 31, 2017.

Table 6.2 Swedish-Co Group Key Figures (Swedish-Co Group, 2018b, 2019).

Key figures, SEKm	Half year ending 30 Jun 2019	Financial Year ending 31 Dec 2018	Financial Year ending 31 Dec 2017
Net sales (revenue)	43,766	85,713	77,938
Operating profit	5,197	11,049	8,592
Operating margin, %	11.9 %	12.9 %	11.0 %

Swedish-Co is organised in two main divisions: industrial and automotive. The industrial division is responsible for sales of bearings, seals, lubrication systems and services primarily in the agriculture, food and beverage; drives and machine tools; energy; heavy industries; marine; and railway industry segments. Automotive division produces cars, light and heavy trucks, trailers and buses.

In terms of geographical location, Swedish-Co is divided into five regions: Europe, North America, Latin America, Asia-Pacific and Middle East and Africa. Table 6.3 demonstrates net sales by region.

Table 6.3 Net sales by region, % (Swedish-Co Group, 2018a).

Region	Net sales, %
Europe	40%
North America	24%
Latin America	5%
Asia-Pacific	28%
Middle East/Africa	3%

6.2 Swedish-Co World Union Council formation

6.2.1 Historical development pre-1995

Previous research by Rüb (2002) outlines that the international meetings of employee representatives and full-time union officials have been taking place at Swedish-Co since the mid-1970s. In 1975 at the meeting in Schweinfurt (Germany) the IMF World Swedish-Co Council was set up. The IMF World Swedish-Co Council was a Global Trade Union Network organised by the International Metalworkers' Federation (the IMF) with the aim of information exchange. The reason for creation of the IMF World Swedish-Co Council was the blue-collar workers' strategy to establish cooperative relationships outside of Sweden. The delegates from Sweden, Germany, Italy and France attended the

first meeting but the membership gradually extended to other, non-European countries. Swedish-Co management also attended the meetings. The agenda was set in conjunction with employee representatives from Sweden and Germany, where Swedish-Co had the most significant operations.

At the meetings the delegates discussed the need to build international solidarity and support each other during collective negotiations on wages. Other topics of discussion included information rights, introduction of new technology, social security in the events of restructuring and skill requirements due to changing nature of work. Delegates also discussed globalisation and its effects on the company. In particular, they addressed product diversification, centralisation of production, the manufacturing sites in North America and Asia and cross-border relocation of production (Rüb, 2002). Delegates were interested how these issues impact employment and the trade union organisation.

There were a number of challenges associated with the operation of the IMF World Swedish-Co Council. First, the meetings were held every two to three years (Rüb, 2002). Delegates argued that this is not sufficient for an efficient information exchange and dialogue. Secondly, one of the main issues was the lack of international contacts. It was challenging to find and get in contact with the union leaders in different countries, who were willing to join the IMF World Swedish-Co Council. Thirdly, there were language barriers and, as Rüb (2002) highlights, it was not possible to get an interpreter. To overcome these limitations, a decision has been made to create a new global worker body with regular annual meetings.

6.2.2 Creation

To overcome the limitations of the IMF World Swedish-Co Council, the company decided to establish the Swedish-Co World Union Committee (later renamed as the Swedish-Co World Union Council). The Swedish-Co World Union Committee was established in March 1995 at a meeting in Steyr (Austria) after a year of negotiation between Swedish-Co central management and the IMF. Its role, composition and procedures are set out in the Swedish-Co World Union Committee Agreement of 1996 (Swedish-Co WUC Agreement, 1996). It is a 'world-wide forum for dialogue and exchange of views between the Swedish-Co management and its workforce. The Swedish-Co World Union Committee shall receive information on the industrial, economic and financial activities of the mother company and its subsidiaries' (Swedish-Co WUC Agreement, 1996, Section 1).

The Swedish-Co World Union Committee was later renamed as the Swedish-Co World Union Council. This change is not reflected in the formal agreement and was done informally. An interviewee explained the rationale for renaming:

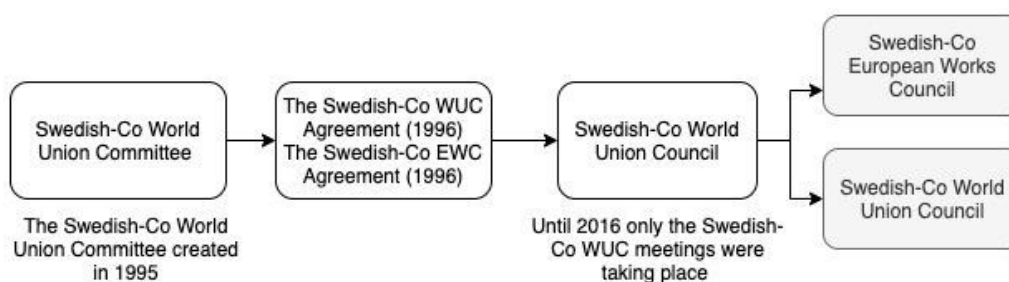
‘That has to do with the fact they wanted to align a little bit, make it more comparable to the naming of the European Works Council’. (IndALLGlobal-part. 2 Swedish-Co)

In this thesis the name ‘Swedish-Co World Union Council’ (Swedish-Co WUC) is used, as it is the most up-to-date and the name used by the interviewees.

The decision to establish the Swedish-Co World Union Council can be explained by the interest to transfer the Swedish industrial relations to a global level. There were two key pieces of legislation introduced in Sweden in that period: the 1976 Co-determination at Work Act and the 1987 Act on Board Representation for Employees in Private Employment (discussed in Chapter 5). The 1976 Act on Co-determination provides unions with such rights as information and consultation rights, union recognition and mutual right to organise. The 1987 Act on Board Representation for Employees in Private Employment regulates the rights of workers to elect board members. Both reforms promoted industrial democracy, which was at the forefront of the political debate in Sweden at that time. The creation of the Swedish-Co WUC can be viewed as an attempt to transfer the national tradition of cooperative industrial relations to the global level. Swedish-Co had a long tradition of working closely with the unions and company management was supportive of the idea to create a global worker body. Another factor that facilitated the creation of the global worker body at Swedish-Co was the imminent adoption of the EWC Directive 94/45/EC and the predictable need to establish an EWC at Swedish-Co. Management wanted to avoid the parallel existence of the two bodies – a European and a global one – and decided to link the global worker body to the EWC.

The creation of the Swedish-Co WUC in 1995 pre-dated the conclusion of the Swedish-Co EWC Agreement (1996). Although both the Swedish-Co WUC Agreement (1996) and the Swedish-Co EWC Agreement (1996) were signed in 1996, there were no separate meetings of the Swedish-Co EWC until 2016. The EWC was part of the Swedish-Co WUC set-up with no independent meetings. In the 2016 the decision has been made to ‘reactivate’ the EWC at Swedish-Co. This process is summarised in the Figure 6.1 below.

Figure 6.1 Creation of global worker bodies at Swedish-Co (own research).



6.3 Swedish-Co World Union Council functions

6.3.1 Country representation

The Swedish-Co WUC consists of employee representatives and observers from 20 countries (at the time of the data collection in 2018-2019). The exact number of attendees for each country were not possible to gather but in total there are around 40 delegates and observers at the Swedish-Co WUC. Not all countries are granted the delegate status. Ukraine and China can only send observers to the meetings.

Table 6.4 Countries represented on the Swedish-Co WUC (own research).

Countries with full member status:	Countries with observer only status:
Argentina	China
Austria	Ukraine
Brazil	
Bulgaria	
Czech Republic	
France	
Germany	
India	
Indonesia	
Italy	
Korea	
[Malaysia] could drop out of the Swedish-Co WUC	
Mexico	
Poland	
Spain	
Sweden	
UK	
USA	

6.3.2 Appointment of delegates

There are two main requirements to become an employee representative. First, a person needs to be a Swedish-Co employee, as the Swedish-Co WUC does not accept external trade union representatives except for two who are acknowledged as external trade union experts. Secondly, an employee representative needs to be a member of trade union affiliated to the IndustriALL Global Union.

The employee representatives come from all divisions of the company, so the Swedish-Co WUC is a combination of the blue-collar and white-collar workers. However, the majority of the employee representatives come from the manufacturing sites. The Swedish-Co WUC Agreement (1996) outlines that the employee representatives are nominated by representative trade unions at the plant level. Appointment of provisional deputies in case of representatives' absence and the terms of office are not specified. This is how the process has been described by one of the interviewees:

'The combination is also setup between the blue-collar and white-collar workers. So we don't divide ourselves in that way. As long as you belong to the union, you have the right to send delegates. The delegate is then appointed in the specific countries so we are not intervening in who they appoint because this is strictly done in the countries.' (Swedish-Co-part. 1)

The number of employee representatives from a specific country depends on the number of employees: 0-1000 employees means a country can send one delegate. If the country or the local union wishes to send additional representatives, they can attend as observers and the costs are covered by their respective unions. It is a common practice at Swedish-Co, as many countries have several unions within Swedish-Co. For example, traditionally there was only one US employee representative at the Swedish-Co WUC. Recently, the number has increased to two employee representatives that are coming from two different unions: the United Steelworkers (USW) and the United Auto Workers (UAW). There is also a third US trade union, which is not affiliated to the IndustriALL Global, as it is an independent regional union. This union sends observers to the WUC meetings.

6.3.3 The steering committee

The steering committee (also referred to as preparatory committee) organises and draws up the agenda for the WUC meetings. It also maintains the contacts between the member countries. The steering committee consists of five people: the WUC Chairman, the WUC Vice Chairman, secretary, advisor from IF Metall and advisor from the IndustriALL Global. The WUC agreement specifies that the steering committee to be elected at the WUC meeting but in practice the composition is pre-determined by the roles assigned in the WUC, i.e. *ex officio*. The steering committee meets every quarter in Frankfurt (Germany) and has a right to hold follow up meetings.

6.3.4 The agenda

The agenda for the Swedish-Co WUC meetings is set by the steering committee and the WUC Chairman. It was particularly specified in the interview with the WUC Chairman and the WUC Vice

Chairman that management is not involved in this process, as the WUC is an employee forum. In general, the Swedish-Co WUC meetings go smoothly:

'There is almost no conflict, which is a little bit disappointing. I think it's a little bit too quiet sometimes that people don't really like to ask questions, the hard questions that they really need to ask, like restructuring or digitalisation. That's also one of my concerns because industry director at IndustriALL Global and I have been very concerned in trying to find a way to make people talk a little bit more. I mean, if you come from India, for example, and you meet your nearest boss once a month, and you never see the CEO of a company and then all of a sudden you're in the meeting with the CEO of the company, it must be intimidating, I think.' (Swedish-Co-part. 4)

6.3.5 The WUC meetings

The Swedish-Co WUC meets once a year. Once every three years it meets in Sweden, while the rest of the time meetings are held elsewhere. The annual meeting takes place over a four-day period, including the study visit to one of the Swedish-Co plants. The first day is dedicated to the EWC meeting. This is a relatively new procedure, as until 2016 the EWC was part of the Swedish-Co WUC. On the second day non-European employee representatives join and this global set up participates in all the activities together for the next three days. The second day is an internal meeting of the workforce representatives, which includes presentations, country reports, exchange of information and collection of questions. The third day is dedicated to a joint meeting day with the management, when the Swedish-Co senior management, including the CEO, presents the corporate strategy and updates employee representatives on the current events in the company. A joint plant visit happens on the fourth day, which is usually followed by a final global meeting of all the representatives. The meeting places are usually chosen with a close proximity to the Swedish-Co plants, so that the study visit can take place.

6.3.6 The WUC Turin meeting in 2018

The most recent meeting of the Swedish-Co World Union Council took place in Turin (Italy) in 2018 (at the time of data collection). The main topics addressed at the Swedish-Co WUC meeting in 2018 include the stabilisation of the health and safety and wage conditions around the world, the implementation of the Swedish-Co Code of Conduct, flexible working and digitalisation. Even though the Swedish-Co WUC is not a forum to negotiate wages, the information shared provides a broader picture to the employee representatives. During the Swedish-Co WUC meeting in 2018 a study visit to Swedish-Co Biasca plant took place.

6.3.7 Adjustment and confidentiality clause

The Swedish-Co WUC Agreement (1996) outlines that the agreement can be modified after negotiation, at the request of either the WUC or the Swedish-Co management. Confidentiality clause is not addressed in the Swedish-Co WUC Agreement (1996) but is included in the Swedish-Co EWC Agreement (1996) (discussed in more detail in section 6.4).

6.3.8 External experts and facilities

There are two external trade union experts that assist the Swedish-Co WUC in its work. They come from the IndustriALL Global and the national union IF Metall. The Swedish-Co WUC Agreement (1996) states that all organisational expenses such as the costs of the meeting room, interpreters and translations, as well as the travel and hotel costs are covered by Swedish-Co.

6.3.9 Means of communication and training

The Swedish-Co WUC Agreement (1996) does not specify any particular means of communication that are available to employee representatives. However, during the interviews it was identified that all employee representatives have access to company intranet and can contact the WUC Chairman and the Vice Chairman directly via the company intranet.

No training provisions are outlined in the Swedish-Co WUC Agreement (1996). However, findings show that all employee representatives, once appointed, are entitled to the English language training. This provision has been negotiated in 2000. Table 6.5 summarises the key aspect of the content of the Swedish-Co WUC Agreement (1996).

Table 6.5 Summary of the Swedish-Co WUC Agreement (1996).

Annual meeting	Once a year.
Agenda items	Information on the industrial, economic and financial activities of the company and its subsidiaries.
Composition	Representatives are nominated by the trade unions at plant level in each company. The seat allocation is based on the number of employees within the company as well as the number of trade unions affiliated to the IMF (currently IndustriALL Global).
Allowances for steering committee meetings	In addition to regular meetings, the steering committee has a right to have follow-up meetings.
Experts attending the meetings	External advisors are allowed.

Costs covered by the company and the appropriate time off	The costs of the meeting room, interpreters and translations, as well as the travel and hotel costs of the employee representatives are covered by Swedish-Co. The representatives taking part in the meetings of the steering committee are released from work and allowed the necessary time off.
A confidentiality clause	Not addressed.
Training provisions	Not addressed.

6.4 Swedish-Co EWC Profile

When the EWC Directive 94/45/EC came into force, both employees and management saw it as a natural step to establish an EWC, which would build on the traditions of the Swedish-Co WUC.

‘[In] 1995 when Sweden became an EU member, then it was also our given right to establish our European Works Council. Since we already had the World Union Council, there was a huge discussion internally then in the council among the delegates if we should have two separate forums or if we should include the European Works Council into already existing World Union Council and actually, that was an outcome at the end.’ (Swedish-Co-part. 1)

The European Works Council at Swedish-Co is called the Swedish-Co Employees European Council. The Swedish-Co EWC Agreement (1996) provides the basis for the Swedish-Co EWC. The agreement was signed in September 1996 and has not been revised since. The Swedish-Co EWC is a union-only forum. The management is not formally represented in the EWC and takes part only to provide information and answer questions.

Table 6.6 Key features of the Swedish-Co EWC (own research).

Name	Swedish-Co Employees European Council
Initial EWC agreement	1996, not revised ever since
National law/headquarters	Sweden
EWC type	Employee only
Steering committee	Steering committee with five members
Annual meetings	Once a year together with the Swedish-Co WUC meeting

6.4.1 Country representation

The Swedish-Co EWC consists of 24 members (at the time of data collection 2018-2019). In total, ten countries are represented on the EWC: Austria, Bulgaria, the Czech Republic, France, Germany, Italy, Poland, Spain, Sweden and the UK.

6.4.2 Appointment of delegates

All delegates are union-nominated and only unions affiliated to IndustriALL can send delegates to the EWC meetings. The procedure for electing members to the EWC is regulated in each country in line with local rules. Each EU member state, in which there are one or more production companies, appoints at least one member. The allocation of seats is determined on the basis of the national employee figures. The term of office is decided nationally but is usually around three to four years.

6.4.3 The steering committee

The steering committee is the same as the Swedish-Co WUC steering committee.

6.4.4 The agenda

The Swedish-Co management is required to provide information on such matters:

- Company structure;
- Economic and financial performance;
- Future development of operations, production and sales;
- Employment and future trends;
- Investments and major changes in the organisation;
- Introduction of new production, new working methods and procedures;
- Transfer of production;
- Mergers, cutbacks and closure of companies and production units;
- Collective dismissals.

The Swedish-Co EWC Agreement (1996, Section 3) states that information and consultation are provided in connection with ‘major changes that concern the company as a whole or at least two companies in different countries’. The Swedish-Co EWC is then entitled to call in an expert on the matter as well as representatives of labour organisations.

6.4.5 The EWC meetings

Until 2016, the Swedish-Co EWC was included in the Swedish-Co WUC meeting. This created some issues, as the management could not share confidential information at the meetings. Therefore, the

decision has been made to hold the EWC meeting separately and to ‘reactivate’ the Swedish-Co EWC:

‘There are so many specific European things happening and connected to the European Works Council rights, we also have the right for information and consultation and also when it comes to confidential parts. Of course, this was also in our interest to take this next step to have this deeper information from the company side.’ (Swedish-Co-part. 1)

The meeting is held in English and there are no interpreters at the EWC meetings. Interviews showed that one of the main questions raised at Swedish-Co EWC meeting in 2018, was Brexit and its outcome for the EWC composition:

‘I can’t say dominate but the Brexit is the mostly discussed topic’ (Swedish-Co-part. 5)

6.4.6 Adjustment and confidentiality clause

The amendments could be made to the Swedish-Co EWC Agreement (1996) if there have been significant changes in the structure of the company. One of the major concerns for management is confidentiality. Despite that the Swedish-Co EWC Agreement (1996) acknowledges the confidentiality clause, it is an important concern for the company management. To overcome this, unions proposed a new training programme for the delegates. However, this initiative has not been yet approved by Swedish-Co management.

6.4.7 External experts and facilities

An official from IndustriALL Global takes part in the Swedish-Co EWC meetings and an official from the Swedish IF Metall acts as secretary for the Swedish-Co EWC.

6.4.8 Means of communication and training

No specific means of communications are addressed in the Swedish-Co EWC Agreement (1996). However, the EWC employee representatives have the access to the company intranet. The Swedish-Co EWC Agreement (1996) outlines the provision of training to the EWC delegates on such matters as languages (depending on the delegate’s needs), the EU labour law and economics.

Comparing the Swedish-Co EWC Agreement (1996) and the Swedish-Co WUC Agreement (1996) it is clear that the EWC Agreement is stronger and outlines information and consultation procedures more clearly. It also includes confidentiality clause and training provisions. However, interviewees see potential for further development:

'I would love to have the World Union Council but really accompanied by strong European Works Council. So that we have this other structure really on two legs.' (IndALLGlobal-part. 2 Swedish-Co)

Despite having communication, there is little consultation between management and the employee representatives at the Swedish-Co EWC meetings.

'But still when we discussed after the meeting, it was bit like we would have expected more questions. You know, there was a handful of people but that's like in many international set-ups, but there's a handful of people raising questions and then the vast majority is just listening. I think to be more interactive and you know that's something what we need to work on in the next years.' (Swedish-Co-part. 4)

'I'm not really sure that we have found a formula for the European Works Council yet. European members received more information, there supposed to be a consultation phase, which I don't think is happening right now.' (Swedish-Co-part. 4)

Management also believes that a more fruitful discussion can take place at the EWC meetings:

'I actually feel that the union could do a little bit more, but I don't know why they are not doing it. It seems to me that they are very happy what they get – information, but to really push for something. I think they tried to do this more on a one-to-one basis and not in this bigger auditorium.' (Swedish-Co-part. 3)

Table 6.7 Comparison of the Swedish-Co EWC Agreement (1996) and the Swedish-Co WUC Agreement (1996).

Agreement Provisions:	Swedish-Co WUC Agreement (1996):	Swedish-Co EWC Agreement (1996):
Annual meeting	Once a year.	Meetings take place together with the Swedish-Co WUC meetings once a year. In addition to the regular meetings, the Swedish-Co EWC should meet once a year with the central management.
Agenda items	Information of the industrial, economic, financial activities of the company and its subsidiaries.	Company structure; economic and financial performance; future development of operations, production and sales;

		employment and future trends; investments and major changes in the organisation; introduction of new production, new working methods and procedures; transfer of production; mergers, cutbacks and closure of companies and production units; collective dismissals.
Composition	Representatives are nominated by the trade union at plant level in each company. The seat allocation is based on the number of employees within the company as well as the number of trade unions affiliated to the IMF (currently IndustriALL Global).	Must be the employees of the company and Swedish-Co management cannot appoint members. The procedure for electing members to the Swedish-Co EWC is regulated by individual countries concerned.
Allowances for steering committee meetings	In addition to regular meetings, the steering committee has a right to have follow-up meetings.	The Swedish-Co EWC is entitled to establish a procedure for choosing a steering committee and may also form other committees which are required.
Experts attending the meetings	External advisors are allowed.	May appoint one external expert as a permanent adviser, who is entitled to participate in all of the meetings.
Costs covered by the company and the appropriate time off	The costs of the meeting room, interpreters and translations, as well as the travel and hotel costs of the employee representatives are covered by Swedish-Co. The representatives taking part in the meetings of the steering committee are released from work and allowed the necessary time off.	Swedish-Co offers financial resources for the disposal of the Swedish-Co EWC. It covers the expenses of the Swedish-Co EWCs, including the cost of the interpretation, accommodation and travel.
Confidentiality clause	Not addressed.	Acknowledged.
Training provisions	Not addressed.	Languages, EU labour law and economics training is available.

6.5 The International Framework Agreement and Code of Conduct

There were several attempts to negotiate an International Framework Agreement at Swedish-Co. In the 1990s a first attempt was made, but since other companies did not engage in similar initiatives, the conversation did not go any further than general discussion with regards to how Swedish-Co should behave towards employees around the world. A couple of years later the International Metalworker's Federation (IMF) has made another attempt to convince Swedish-Co and the WUC to sign the International Framework Agreement (the IFA), but the idea was rejected.

The discussion was initiated again in the end of the 1990s. At first it received negative reaction from the management, despite being a logical step since the company already had some informal arrangements and the Swedish-Co WUC was in place. As the WUC Chairman explained, the decision to sign the agreement was in fact triggered by Nike's scandal, which first started in 1991 when an activist published a report on poor working practices and conditions in Indonesia. The matter escalated further in 1998 when Life magazine published a story including a photograph of a child stitching footballs with Nike logo. Swedish-Co's customers started to ask how the company addresses these issues. The WUC Chairman explained that the management realised it is not enough to have an informal agreement and that it needs to be 'put on paper'. The decision was made to go forward with the Code of Conduct and present it to the board of directors for approval first. After the Code of Conduct was approved, the section on the Swedish-Co's responsibility towards employees has been signed by the European Metalworkers' Federation and the International Metalworkers' Federation.

The first issue of the Swedish-Co Code of Conduct was signed on November 1, 2003. Swedish-Co was the first company in Sweden to sign such an agreement. Despite initially being part of the Code of Conduct, the section related to employees, was signed by the relevant ETUF and the GUF, making it an International Framework Agreement (definition discussed in Chapter 1). It acknowledges the principles outlined in the eight ILO's Core Labour Conventions and health and safety at the workplace. Using Hammer's (2005) terminology, the Swedish-Co IFA (2003) was the rights agreement and established fundamental rights for organising. However, unlike 'bargaining' agreements that provide clear monitoring procedure, Swedish-Co IFA (2003) was rather general and merely described the worker rights.

The Swedish-Co Code of Conduct was updated in 2014. Instead of offering IndustriALL Global to sign it, which would renegotiate the Swedish-Co IFA (2003), the company only offered the WUC Chairman to sign it. Therefore, by definition, the current agreement at Swedish-Co is not an International Framework Agreement per se. It is a Swedish-Co Code of Conduct (2014), which was signed by the WUC Chairman. In terms of monitoring, the Swedish-Co Code of Conduct (2014) is reviewed by the management and the Swedish-Co WUC. If the company is breaching the Swedish-Co

Code of Conduct (2014) in the country, it will be addressed at the WUC meeting and the possible solutions will be discussed. It is also the responsibility of the local managers to ensure that the employees are familiar with the Swedish-Co Code of Conduct (2014).

The scope of the Swedish-Co Code of Conduct (2014) is limited, as it is only two pages long. It also does not provide for a conflict resolution process. The Swedish-Co Code of Conduct (2014) has not been signed by the Global Union Federation and the right to have advisors has not been acknowledged, making the GUF's role limited. However, the Swedish-Co Code of Conduct (2014) is monitored by the Swedish-Co WUC and issues related to the breach of the Swedish-Co Code of Conduct (2014) can be raised at the Swedish-Co WUC meetings.

6.6 Key themes that emerged in the case study

6.6.1 The role of the WUC Chairman

The interviews with the delegates, management, the WUC Chairman and the WUC Vice Chairman identified the influential role played by the WUC Chairman in the company. His long presence in the company (more than 40 years in total) and his role as a member of the Swedish-Co board of directors equip him with knowledge and expertise to ensure smooth operation of the Swedish-Co WUC. It also provides the access to important arenas of management decision making. Interviews also showed that close working relationships between the WUC Chairman and the WUC Vice Chairman (who is also a Chairman of the Central Works Council and a Vice Chairman on the supervisory board for Germany) facilitate cooperation between the Swedish-Co Sweden and Swedish-Co Germany.

An example of the WUC Chairman's role can be illustrated with the case of Chodov – a Swedish-Co Lubrication factory in the Czech Republic. It is a 'success' story that was shared in the interviews with the WUC Chairman, Vice Chairman and the employee representative from the Czech Republic. The manufacturing site in Chodov was not unionised and Czech Republic was not represented on the WUC:

'We didn't know nothing about the WUC but the OS KOVO international department had the information there is the WUC and on February 11, 2016 we organised a meeting with the WUC representatives in Prague.' (Swedish-Co-part. 5)

The WUC Chairman cooperated with the Czech trade union OS Kovo and representatives from management in order to have the workers at the factory unionised by OS Kovo. In 2016 the negotiations were completed a trade union was set up at the Swedish-Co site in Chodov and a collective agreement was negotiated between the management and OS Kovo. As the outcome of these

negotiations, there were a number of important improvements for the workers at the Chodov factory, such as 6% increase of the base hourly wages for blue collar and 3% for white collar workers, Christmas bonus of minimum 50 % independent of the financial situation at the site; meal allowance from the first day of employment (before it was only after the trial period); a fifth week of vacation; bonus for afternoon shifts and work on weekends, as well as compensation for overtime work on weekends (IndustriALL Global, 2017). In addition, the employee representative from the Czech Republic joined the WUC.

6.6.2 Issues of affiliation to the IndustriALL Global

One of the key characteristics of the Swedish-Co WUC is that only unions affiliated to IndustriALL Global can send employee representatives. This requirement may create issues if the union decides to drop out. This is the case with the Malaysian union, that at the time of data collection was leaving the IndustriALL Global. In the interviews with the WUC Chairman, the WUC Vice Chairman, management and the advisor from the IF Metall it has been noted that there was a lot of dissatisfaction from the local Malaysian union, as they found it difficult to pay the membership fees. In their opinion, the fees were too high and they did not receive enough support, as IndustriALL Global has not visited the site. Thus, Malaysian union did not see any benefit in being affiliated to IndustriALL Global. However, this created further challenges. If the Malaysian union leaves IndustriALL Global they will not be able to send employee representatives to the Swedish-Co WUC. At the time of data collection, the steering committee led by the Swedish-Co WUC Chairman was planning a trip to Malaysia to sort this issue and find common ground with the local union. As the WUC Chairman and the WUC Vice Chairman explained, one of the ways to solve this issue would be to let the Malaysian union send observers to the Swedish-Co WUC. However, observers do not have voting rights and thus their 'voice' would be limited.

6.6.3 Flexible working

The WUC Chairman explained that Swedish-Co implemented a Flexibility Framework Agreement in Sweden and Germany during the recession in 2008-2009. This agreement permits prioritising the competence and skill development for the workers, when the demand for the products is low (e.g. during the financial crisis). This allows company to have more flexibility to match the business cycle and reduces the impact of the economic crisis on employment. Measures such as shorter working time, organisational relocation and leave banking (a fund of donated leave, from which workers draw leave to cover time off) have been implemented. For example, in Sweden Swedish-Co plants operate in 'production channels' (refer to Appendix 1: Dictionary of terms), which consist of 30-40 workers on average and operate as an independent unit of production. During the recession in 2008-2009, the volume of production in some production channels dropped to almost 25% of the pre-recession

output. It was possible for employees to reduce their working time without the loss in wages, and the extra time was spent on training and competence building. As a result, there were no job losses at Swedish-Co in Gothenburg while other companies in Gothenburg had to lay off workers, including Volvo trucks that laid off 3,300 people. Implementing the flexible working system proved to be effective in the time of recession:

'We knew that we need to do this and we need to do it now. Now we realise how important this flexible working arrangement was – we did not lay off anyone. In this tough situation we didn't lay off anyone.' (Swedish-Co-part. 1)

Swedish-Co management and the WUC Chairman are trying to implement the flexible working system that is already in place in Sweden and Germany, to the other countries. However, it is a difficult task due to national differences in labour market regulations.

'There is a discussion around flexible working at the company. However, for us it is difficult to implement due to labour laws in China. China has not joined the project.' (Swedish-Co-part. 6)

Despite it being a challenging task, the discussion on the flexible working stimulated the dialogue between management and employees at the national level.

'One good thing is that suddenly in the countries where there was no cooperation between local unions and management, the discussion around flexible working triggers this cooperation.' (Swedish-Co-part. 1)

6.6.4 Digitalisation

Another important topic for Swedish-Co is digitalisation or Industry 4.0, which focuses on the connection between people and 'machines'. Swedish-Co is trying to be at the forefront of this area and created a special 'digitalisation forum'. The digitalisation forum consists of three union members, three management representatives, the WUC Chairman and the WUC Vice Chairman. The forum presented the first digitalisation report at the Swedish-Co WUC meeting in 2018 in Turin (Italy). The aim of creating the digitalisation forum is described as following:

'For us, it's mainly about how will the digitalisation impact our employees and what we need to do now to ensure Swedish-Co takes the socially responsible approach in connection to that.' (Swedish-Co-part. 1)

Interviews showed that Swedish-Co is going through a radical time of digitalisation, which affects the employees in different countries.

'One of the main topics is the digitisation and robotisation – the fourth Industrial revolution. In my opinion, we cannot stop the future. There is work that needs to be done by machines. For sure there are open questions like job protection, requalification, new skill development etc.' (Swedish-Co-part. 5)

In Gothenburg (Sweden), one of the production channels installed last year, replaced four production channels that were previously in place. It reduced the number of employees required to produce a particular component or product. Therefore, Swedish-Co needs to find solutions for the employees that are no longer required on the production channel. This leads to such questions as: What type of work will be required in the future? What are the core competencies? However, there are no easy answers:

'I think we know we cannot save all the jobs. We must find a way out to give our employees a new perspective. Maybe in another job, maybe in another company, I don't know. That will come and it will come very fast. We even had a small meeting in IG Metall in Germany on it. In the meeting we predicted that digitalisation would affect more than 40 % of our members only in the metal industry.' (Swedish-Co-part. 2)

6.7 Summary

The cross-border organising activity at Swedish-Co dates back to the mid-1970s and led to the creation of the IMF World Swedish-Co Council, the predecessor of the Swedish-Co World Union Council (Swedish-Co WUC). The company's history demonstrates the long tradition of cooperation between labour and management. The initiative to establish the Swedish-Co WUC was influenced by the cooperative industrial relations in Sweden and the imminent adoption of the EWC Directive 94/45/EC. Management wanted to transfer the high-trust climate of Swedish industrial relations to the global level, but was reluctant to have the Swedish-Co WUC and the Swedish-Co EWC functioning in parallel. Thus, until the 2016 the Swedish-Co WUC was a single global worker body operating at Swedish-Co. The key characteristic of the Swedish-Co WUC is that only unions affiliated to the IndustriALL Global can send employee representatives to the meetings. Comparing the Swedish-Co WUC Agreement (1996) and the Swedish-Co EWC Agreement (1996), it is clear that the latter contains more detailed provisions such as information and consultation, training of the delegates and a confidentiality clause. However, since the agreements have not been revised, both are outdated. This, together with the reluctance of employee representatives to raise key issues in the EWC meetings,

creates obstacles for effective social dialogue at the European level. Another key characteristic of the Swedish-Co case is the influential role played by the WUC Chairman, which was illustrated with an example of unionisation of the plant in the Czech Republic. The WUC Chairman is also the only actor on the labour side who signed the updated Swedish-Co Code of Conduct (2014). Since the relevant GUF has not signed the Swedish-Co Code of Conduct (2014), the GUF's role the implementation of the code is limited. However, the Swedish-Co Code of Conduct (2014) is monitored by the Swedish-Co WUC and issues related to the breach of the Swedish-Co Code of Conduct (2014) can be raised at the Swedish-Co WUC meetings.

Chapter 7 German-Co case study

This chapter presents the German-Co Group case study with a focus on the German-Co Global Trade Union Network. The chapter begins by providing a brief outline of the company background, followed by an overview of the German-Co European Works Council. This outline follows the chronological order, as the German-Co EWC was established before any global organising initiatives began at the company. Following this, the historical development of the German-Co Global Trade Union Network is provided. Each of the regional committees (‘metaclusters’) are discussed separately. Next, the German-Co International Framework Agreement (2012) and the German-Co Code of Conduct (2019) are described. The chapter finishes by highlighting the main themes that emerged from the case study, such as the incidents in the USA and India and digitalisation.

7.1 Company background

German-Co is a German mechanical engineering conglomerate with its headquarters in Munich. The company was founded nearly 175 years ago. German-Co core activities lie in the fields of electrification, automation and digitalisation. In 2018 German-Co employed 379,000 employees in more than 200 countries and regions. It has 117,000 employees in Germany and 262,000 outside of Germany. The average number of employees per region is listed in a Table 7.1 below.

Table 7.1 German-Co average number of employees (German-Co, 2018).

Region	Average number of employees	Percentage, %
Europe, CIS ⁷ , Africa, Middle East (excl. Germany)	113,700	30 %
Germany	117,490	31%
Americas	75,800	20%
Asia, Australia	72,010	19%

German-Co net sales (revenue) are indicative of the global reach and scale of the organisation. The positive operating profit represents the sustainability of the business for various stakeholders, including investors and employees.

⁷ CIS – Commonwealth of Independent States: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Table 7.2 German-Co Group Key Figures (German-Co, 2019).

Key figures, €m	Half Year ending 31 Mar 2019	Financial Year ending 30 Sep 2018	Financial Year ending 30 Sep 2017
Net sales (revenue)	41,052	83,044	82,863
Operating profit	3,044	5,996	6,041
Operating margin, %	10.8%	10.4%	11.1%

German-Co is undergoing a restructuring process, which began on April 1, 2019. It includes change in the company structure as well as partial spinoff of the Gas and Power division. The restructuring initiatives are referred to as ‘Vision 2020+’. Table 7.3 demonstrates the new company structure.

Table 7.3 German-Co new company setup as of April 1, 2019 (German-Co, 2019).

German-Co Vision 2020+ new structure					
Operating Companies:			Strategic Companies:		
Digital Industries	Smart Infrastructure	Gas and Power ⁸	Mobility	Renewable energy	Healthineers
Service Companies					
Corporate Development					
Governance units					

Digital Industries division provides hardware, software and technology-based services to support manufacturing companies. Smart Infrastructure operates in the energy systems industry. Gas and Power division operates in the energy industry. Company’s Mobility division offers transportation of people and goods by rail and road. The Renewable Energy division is a supplier of the renewable energy solutions, in particular wind turbines. The Healthineers division provides clinical information technology systems, medical instruments, diagnostics equipment and other medical products. This shows that German-Co has a highly fragmented product strategy and segregated company structure,

⁸ In May, 2019 German-Co announced it will partially spin off its Gas and Power business, i.e. transfer of majority stake (59%) to new company.

operating in a number of industries and markets. With regards to geographical location, German-Co operates in four main regions: Europe, CIS, Middle East; Americas; Asia and Australia; and Germany. Information on net sales by region is presented in Table 7.4.

Table 7.4 Net sales by region (German-Co, 2019).

Region	Net sales, %
Europe, CIS, Africa, Middle East (without Germany)	37%
Americas	27%
Asia, Australia	22%
Germany	14%

7.2 German-Co EWC profile

The EWC at German-Co was set up in 1995 under Article 13. The German-Co EWC is called the German-Co-Europa-Committee. The German-Co EWC Agreement was renegotiated and amended in 2000, 2002, 2003, 2008 and 2015 (ETUI, 2019). German-Co EWC Agreement (2015) is the most recent agreement, but the fundamental contents of the EWC agreement have never been changed since 1995.

Table 7.5 Key features of the German-Co EWC (own research).

Name	German-Co-Europa-Committee
Initial EWC agreement	1995, revised in 2003 and 2015
National law/headquarters	Germany
EWC type	Employee only
Steering committee	Steering committee with five members
Annual meetings	Once a year

7.2.1 Country representation

There are currently 37 employee representatives on the German-Co EWC. However, the number is expected to decrease due to a carve out in 2020. Table 7.6 provides the exact number of employee representatives per country.

Table 7.6 Countries represented at the German-Co EWC (numbers for 2019, own research).

Regional cluster:	Country:	Number of delegates:
Headquarters	Germany	7
	Denmark	2

The North- West Europe	Finland	1
	Ireland	1
	Netherlands	1
	Norway	1
	Poland	1
	Sweden	1
	United Kingdom	3
The South- West Europe	Belgium	1
	France	2
	Greece	1
	Italy	1
	Portugal	1
	Spain	1
	Switzerland	2
The Central- East Europe	Austria	3
	Croatia	1
	Czech Republic	2
	Hungary	1
	Romania	1
	Slovakia	1
	Bulgaria	1

7.2.2 Appointment of delegates

Each country is represented on the German-Co EWC provided that there are at least 150 employees in the respective country. Due to the high number of employees in Germany, there is a particular requirement for Germany. One delegate is appointed to the German-Co EWC for every 17,000 employees in Germany and one delegate for every 5,000 employees in the other countries (German-Co EWC Agreement, 2015).

7.2.3 Regional committees

In 2008 the regional meetings have been introduced to the German-Co EWC. An internal network structure has been created between Germany and three European regions, establishing three committees (regional clusters): North-West Europe, South-West Europe and Central-East Europe. The North-West Europe cluster includes Denmark, Finland, Ireland, Netherlands, Norway, Poland, Sweden, United Kingdom. The South-West Europe consists of Belgium, France, Greece, Italy, Portugal, Spain, Switzerland. The Central-East Europe refers to such countries as Austria, Croatia, the

Czech Republic, Hungary, Romania, Slovakia, Bulgaria. This is demonstrated in Table 7.6 above. The regional committee meetings take place once a year.

7.2.4 Divisional meeting

The German-Co EWC Agreement (2015) provides for information and consultation at the divisional level, due to high fragmentation of German-Co product strategy. The German-Co EWC delegates from the countries in which a specific division has activities with approximately 400 employees are invited to divisional meetings. The delegates choose a representative that is an employee of that division to attend the meeting. Divisional meetings are held in German but interpreters may be provided, if necessary.

7.2.5 The steering committee

The steering committee (also known as the executive committee) consists of five members: the Chairman and the Vice Chairman of the German-Co EWC, and the speakers for three different regional clusters. The steering committee is responsible for the organisation of the daily work of the EWC and for planning meetings and agenda items. It also coordinates communication between the EWC representatives. The steering committee meetings are held in either German or English, depending on the steering committee's decision. There are no interpreters at the steering committee meetings.

7.2.6 The agenda

The German-Co EWC Agreement (2015) states that the information and consultation provision covers such aspects as:

- Company structure, including major changes such as mergers, spin-offs, downsizing, mass redundancies;
- Economic and financial situation;
- Current and future development of production, sales and employment;
- Key investment plans and major changes to the organisation;
- Introduction of new working of manufacturing practices.

7.2.7 The EWC meetings

The German-Co EWC meets once a year in a plenary meeting, which usually takes place at the group's headquarters in Munich (Germany). Usually the meeting does not extend more than two days. The German-Co EWC is a German-type EWC and only employee representatives are allowed to participate in the meetings. The employee only meeting is followed by a joint session with the management, where in addition to the German-Co EWC members and representatives of group

management, representatives of group companies and of selected regional companies and operating groups participate in the meeting. The German-Co EWC meetings are held in German and interpreters are provided at the meetings. Written documents are prepared in both English and German.

7.2.8 Adjustment and confidentiality clause

The German-Co EWC Agreement (2015) continues to apply until new agreement is renegotiated. Confidentiality clause states that confidential information may not be disclosed by the employee representatives or may not be disclosed before a specified date.

7.2.9 External experts and facilities

The steering committee may invite one expert to the German-Co EWC meeting as a guest (German-Co EWC Agreement, 2015).

7.2.10 Means of communication and training

The German-Co EWC Agreement (2015) outlines that the employee representatives are provided with the means of communication necessary for their role. The German-Co EWC members are provided with language training in German or English.

Table 7.7 Summary of the German-Co EWC Agreement (2015).

Annual meeting	Once a year
Agenda items	Company structure; economic and financial situation; current and future development of production; sales and employment; investment plans and major changes to the organisation; introduction of new working of manufacturing practices.
Composition	Representatives are nominated according to the customs of the respective country. Each country is represented in the German-Co EWC provided that there are at least 150 employees in the respective country.
Allowances for steering committee meetings	Steering committee meetings are outlined. In addition, regional meetings take place once a year. Divisional meetings are allowed.
Experts attending the meetings	Steering committee may invite an expert to the German-Co EWC meeting as a guest.
Costs covered by the company and the appropriate time off	The costs related to the organisation of the German-Co EWC meetings and the running costs of the steering committee are met by the company. Travel costs are met by the company employing the German-Co EWC member. Employee representatives are

	remunerated for any absence of work, including expenses, incurred as a result of attending the German-Co EWC meetings.
A confidentiality clause	Acknowledged.
Training provisions	Language training in German and English.

7.3 German-Co Global Trade Union Network formation

7.3.1 Historical development pre-2012

Previous research by Rüb (2002) outlines that World Company Council (the predecessor of a currently existing Global Trade Union Network) existed at German-Co in the 1990s. The World Company Council was primarily set for the information exchange on topics such as relocation of production and mergers and acquisitions. Despite the delegates expressing the need to establish structures similar to EWC in other regions, the World Company Council met only once in 1991 and had stopped functioning just after the first meeting (Rüb, 2002). One of the potential explanations of its ineffectiveness was the large number of delegates and their lack of experience. The World Company Council consisted of around 100 delegates and some of them had little knowledge of the company situation. For example, Rüb (2002) explains how an Argentinian union member had not been aware of local German-Co operations, as the workforce in Argentina was not organised.

7.3.2 Creation

As outlined by Rüb (2002), the World Company Council at German-Co stopped functioning after just its first meeting. As IndustriALL advisor for the German-Co GUN highlighted, it was only after the German-Co International Framework Agreement was signed in 2012 that global organising initiatives took place at German-Co. The German-Co IFA (2012) was signed by the German-Co Central Works Council, the IG Metall, the IndustriALL Global and company management in Munich on July 25, 2012, which initiated the creation of a Global Trade Union Network (GUN) at German-Co.

Based on the geographical location, the German-Co IFA (2012) identifies five ‘metaclusters’ (regional committees) that form the Global Trade Union Network:

- the Steering Committee of the unions from the US and Canada represented at German-Co,
- the German-Co China Trade Union Chairman Community,
- the Employees’ Federation of German-Co India,
- the Coordination Committee of German-Co in South America,
- the German-Co Labour Union South Korea.

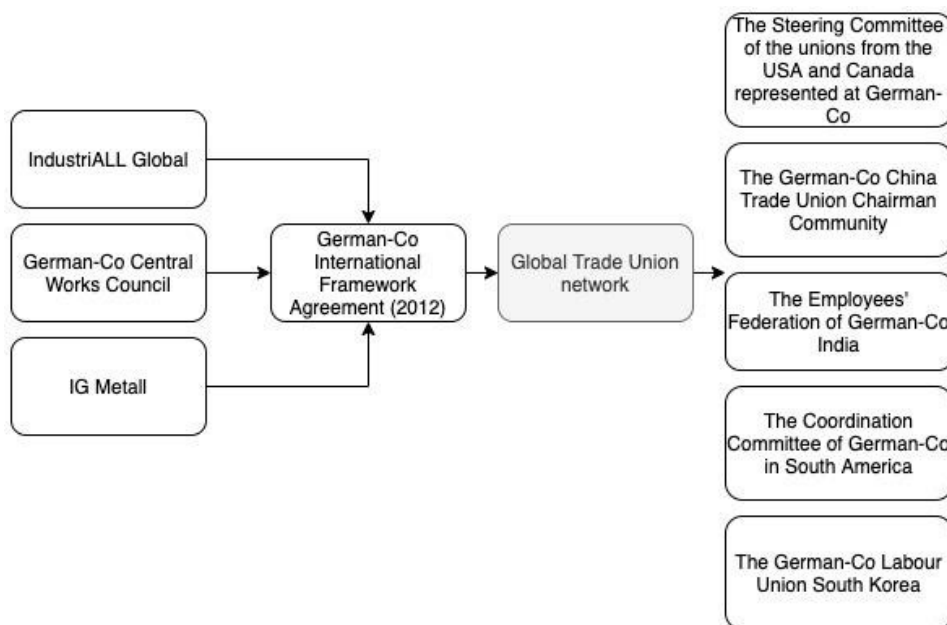
Each of these metaclusters can be viewed as the ‘*union of unions*’ (German-Co-part. 9). The German-Co IFA (2012) initiated the process for the creation of a Global Trade Union Network (GUN). In

practice, there were two parallel processes. Interviews with the IndustriALL Global and IG Metall coordinator showed that the German-Co Central Works Council created regional committees in China, South Korea and the USA and Canada. IndustriALL Global initiated a creation of committees in India and South America.

'In India there are issues regarding the trade union rights. We couldn't wait for the Central Works Council's cluster meeting. So we actually started by our own to create the Trade Union Network in India. After creating it in India, IndustriALL created Global Trade Union Network in Latin America.'
(IndALLGlobal-part. 1 German-Co)

Figure 7.1 demonstrates the formation and the structure of the German-Co Global Trade Union Network.

Figure 7.1 The German-Co Global Trade Union Network (own research).



7.4 The German-Co Global Trade Union Network functions

7.4.1 Country representation

The German-Co IFA (2012) outlines that the Central Works Council should meet with employees or employee representatives, after agreement with the company, once a year on an alternating rolling basis in five metaclusters: the US and Canada, China, India, South America and South Korea. The Central Works Council is required to agree the timing and location of these meetings with the company's management.

The German-Co GUN is a flexible body and each committee has different membership, which is discussed separately in the section 7.5. Section 7.5 provides an insight to the composition of each of the metaclusters and the most recent meeting that took place in that region.

7.4.2 Appointment of delegates

The GUN committees ('metaclusters') consist of the national trade union officials (primarily full-time officers, union leaders, union chairman and directors) with interests in the company. The decision to join committee is voluntary (for example, not all unions represented at German-Co take part in the Steering Committee of the unions from the US and Canada represented at German-Co). The German-Co IFA does not specify the appointment of the committee members. The membership of each GUN committee is discussed in detail in section 7.5.

7.4.3 The steering committee

There is no steering committee in the German-Co GUN. Instead, the role of the steering committee is taken by the negotiating team of the Central Works Council and the coordinator from the IG Metall. They organise the meetings and maintain the contacts between the countries.

7.4.4 The agenda

The agenda for both regional and global meetings is set by the negotiating team of the Central Works Council and the coordinator from the IG Metall. They liaise with the employee representatives from the metaclusters to identify the key topics that need to be addressed.

7.4.5 The meetings of the German-Co GUN

The metacluster meetings take place on alternating basis in different countries and regions. The regional committees are not invited to attend the metacluster meetings in other regions and countries. An exception is a global meeting of the all the GUN committees, which took place once in 2018 in Munich (Germany). Both regional and global meetings are held in English and the company provided interpreters for employee representatives who find it difficult to communicate in English.

7.4.6 The GUN Munich meeting in 2018

The meeting of all the metacluster committees took place in Munich (Germany) on September 17-21, 2018. In total 31 employee representatives from 11 countries participated in the meeting:

- Six members of negotiating team of the Central Works Council, the EWC Chairman and the IG Metall representatives;
- Four members of the steering committee of German-Co EWC;

- Five members of the Steering Committee of the unions represented at German-Co in the US and five local representatives: one from the United Steelworkers of America (USW), one from the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers - Communications Workers of America (IUE-CWA), one from United Auto Workers (UAW) and two from the International Brotherhood of Electrical Workers (IBEW);
- Three speakers of the Trade Union Chairmen Committee of German-Co China;
- Two representatives of the Coordination Committee for German-Co in South America (from Chile and Brazil);
- Three representatives of the German-Co Employees' Federation in India (all from the German-Co Workers' Union);
- Two union representatives of the German-Co Labour Union from Seoul (South Korea);
- Union official from IndustriALL Global (German-Co Dialog IG Metall, 2018).

The global meeting in Munich took place over the five-day period. The first day was dedicated to the employee only meeting, followed by the meeting with management in the second day. The next few days were dedicated to the study visits to the apprentice centre and factories. This is how one of the interviewees described the global meeting:

'When you see that they have a worldwide meeting and I was impressed. You got to meet these people and talk to them. You find out we don't speak the same language, but they have the same conditions as we have. I mean, it's about working conditions, work rules, standard of living, job security. And it sort of made your whole world just seemed a little bit smaller right there, because we're different parts of the country, different parts of the world, but we have the same issues. In that case, you're all working for the same company – they're all working for [German-Co].' (German-Co-part. 6)

At the global meeting, the employee representatives from the USA raised such issues as information circulated with insufficient notice, shortage of skilled workforce and lack of health insurance policies. Despite the shortage of skills, the union apprenticeship programme has been rejected by management. Similar to the US colleagues, the employee representatives from China reported a shortage of skilled workforce and also asked for more information on the economic situation in the company to be shared by the local management (German-Co Dialog IG Metall, 2018).

Employee representatives from India referred to such local issues as unfair labour practices, unequal treatment of different groups of workers, issues related to the retirement age and the safety of female workers. An issue with the apprenticeship programme was reported, as a large proportion of trainers in the apprentice school has only been hired as contract workers. In addition, employee

representatives outlined that the company restructuring programme (Vision 2020+) concerned the workers, as they were worried about their jobs. Similarly, employee representatives from South Korea addressed the issue of restructuring. The consequences of the new company structure for the local organisation of the company were unclear to the workers. Employee representatives from the South America outlined lack of communication between union and management (German-Co Dialog IG Metall, 2018).

The company management addressed the issues raised by employee representatives. However, some employee representatives expressed concerns:

'When the Chief Human Resources Officer, who is also a member of the Managing Board was asked at the IFA meeting in Munich in 2018 about the company's policy towards the unions, she replied that it leaves it up to the free will of each management in each country where [German-Co] carries out its business. We regret this reply since it allows management in the same company to develop different policies towards the same topic, and sometimes in accordance with only what the country allows, and [it does not lead to] harmonised behaviour on the part of the company.' (German-Co-part. 7)

7.4.7 Adjustment and confidentiality clause

There is no adjustment and confidentiality clause in the German-Co IFA (2012).

7.4.8 External experts and facilities

The German-Co IFA (2012) outlines that the IG Metall officer is allowed to attend the GUN meetings. The IG Metall officer is a coordinator for the GUN, who contacts the local unions, attends the regional meetings and ensures coordination between the IndustriALL Global Union, the Central Works Council and company management. The consultation with other external experts is also permitted by the German-Co IFA (2012). These experts are usually the trade union advisors and sometimes academic scholars, and are allowed to attend the meetings. In terms of the facilities, German-Co bears all the costs incurred in the supporting of the German-Co IFA (2012).

7.4.9 Means of communication and training

German-Co provides interpreters for the GUN meetings. The working languages are English, German and Spanish. No language training provision for the GUN members has been identified.

7.5 The German-Co GUN metaclusters

7.5.1 The Steering Committee of the unions from the US and Canada represented at German-Co

In 2016 the IG Metall organised a meeting and invited representatives from nine US unions that had organised at least one German-Co site. Only five unions joined: the International Brotherhood of Electrical Workers (IBEW), International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers - Communications Workers of America (IUE-CWA), United Steelworkers of America (USW), International Association of Machinists and Aerospace Workers (IAM), United Auto Workers (UAW). The meeting took place in Orlando, Florida (the USA) and initiated the creation of the Steering Committee of the unions from the US and Canada represented at German-Co.

The Steering Committee of the unions from the US and Canada represented at German-Co consists of the five unions that attended the first meeting in 2016. In total, there are five members, each representing an individual union:

- The president of IUE-CWA,
- The manufacturing department director at IBEW,
- The international secretary-treasurer at USW,
- The director of collective bargaining at IAM,
- The assistant director at UAW.

In addition to the committee members, other union officials from the above trade unions are invited to attend in the meetings. The most recent meeting at the time of data collection took place on April 3-4, 2018 in Atlanta, Georgia (the USA). This how one of the interviewees described the meeting:

'I think we had 42 people that attended the last meeting. The delegates, I guess is the proper term, they come from the plant locations and depending, they'll send two or three people, sometimes they just sent one. From both United States and Canada, I mean. The IAM has a Canadian and so does IBEW but they chose to not attend this meeting. It's a voluntary meeting, they don't have to attend. But every year it has been getting bigger, which is a good sign.' (German-Co-part. 6)

7.5.2 The German-Co China Trade Union Chairman Community

German-Co China Trade Union Chairman Community consists of 20 members, three of whom are the speakers:

- The union chairman at German-Co Ltd. China in Beijing,
- The union chairman at German-Co Electrical Apparatus Ltd. in Suzhou,
- The union chairman at German-Co Numerical Control Ltd. in Nanjing.

Interview with the Chinese employee representative showed that German-Co employs around 35,000 employees in China, of which 9,800 are employed by German-Co Limited China, the other 25,200 people are working in the operating companies, which are legally independent entities. By law, each operating company (entity) in China has a trade union, which is part of the All-China Federation of Trade Unions. Each trade union is responsible for representing employees, monitoring compliance with the laws and since 2008 conclusion of collective agreements, participation in establishment of the work rules and overseeing redundancies in the specific company. In addition, there are different laws and regulations at provincial and district levels. The work organisation decisions are taken at the local company level with variation between the entities. For example, although there is a pay scale for workers at German-Co China, there is differentiation locally (German-Co Dialog IG Metall, 2013a).

The most recent (at the time of data collection) meeting in China took place in January 2019 in Beijing. Union representatives from German-Co Germany and IG Metall took part in it together with 17 union representatives from German-Co China. The main topic discussed was digitalisation and how it affects the nature of the jobs in the future.

7.5.3 The German-Co Employee Federation of German-Co India

The German-Co Employee Federation (SEF) was created by the German-Co Workers' Union (the largest German-Co union in India) at the first metacluster meeting on October 16-18, 2013. This meeting, organised by the IndustriALL Global and IG Metall, also initiated a three-year 'Transfer Project', aimed to facilitate the implementation of the German-Co IFA (2012) in India by organising workshops and educating the workers about the Core Labour Standards.

The German-Co Employee Federation consists of 19 unions that organise approximately 4,000 workers in 12 manufacturing plants. It is the biggest union network for German-Co workers within South Asia and South-East Asia region (German-Co Dialog IG Metall, 2013b). The office holders of the German-Co Employee Federation of German-Co India include:

- The president, who comes from the ABB Union ABSA (which stands for ABB, Bombardier, German-Co and Alstom),
- The general secretary, who comes from the German-Co Workers Union (SWU),
- The treasurer, who comes from the German-Co Workers Union (SWU).

The most recent meeting at the time of data collection took place on September 4-5, 2017 in Mumbai (India). In this meeting, the negotiating team of the Central Works Council took part in addition to the IndustriALL Global and the IG Metall. In this two-day meeting, the first day was dedicated for the employee only discussion and in the second day management joined. A number of local issues were raised such as setting of the retirement age at 60, recognition for the German-Co Employees'

Federation as the national representation structure and publishing of the German-Co IFA (2012) in all sites (German-Co Dialog IG Metall, 2017).

7.5.4 The Coordination Committee of German-Co in South America

The Coordination Committee of German-Co in South America has been created in the first metacluster meeting organised by the IndustriALL Global on November 16-17, 2017. The main aim was to address the union and workers' rights and promote the IFA, which was unknown to the majority of the German-Co sites in the South America. To overcome these issues a WhatsApp group was created and a questionnaire was distributed by IndustriALL Global to collect information on the situation in the countries. The Coordination Committee of German-Co in South America is still in the process of development. It relies significantly on the support and protection from the IndustriALL Global and the IG Metall. It is a regional metacluster (rather than country-specific) and includes five trade unions from Argentina, Brazil and Chile:

- Unión Obrera Metalúrgica (UOM) from Argentina;
- Confederação Nacional dos Trabalhadores Metalúrgicos (CNTM) from Brazil;
- Confederação Nacional dos Metalúrgicos, (CNM/CUT) from Brazil;
- Sindicato dos Metalúrgicos (Jundiaí, Várzea Paulista and Campo Limpo Paulista) from Brazil;
- Federación de Sindicatos de German-Co en Chile from Chile.

The Coordination Committee of German-Co in South America is the process of formation and at the time of data collection had nine members:

- Union official from the UOM – Argentina;
- Director of the CNTM – Brazil;
- Secretary from the CNM/CUT – Brazil;
- Union leader from the CNM/CUT, Sindicato dos Metalúrgicos de Canoas – Brazil;
- Vice president of the Sindicato dos Metalúrgicos (Jundiaí, Várzea Paulista and Campo Limpo Paulista) – Brazil;
- Director of the Sindicato dos Metalúrgicos (Jundiaí, Várzea Paulista and Campo Limpo Paulista) – Brazil;
- Employee of German-Co Brazil – Brazil;
- Delegate to the Federation and Confederation Council of Sindicato dos Metalúrgicos (Dresser-Rand, Santa Bárbara d'Oeste) – Brazil;
- President of the Federación de Sindicatos de German-Co en Chile – Chile.

The most recent regional meeting took place on July 15-16, 2019 in São Paulo (Brazil). The meeting was organised by the negotiating team of the Central Works Council, the IndustriALL Global and the IG Metall. The first day was dedicated to the employee only meeting. In the second day the management from Brazil and company's HQ in Germany joined the meeting. A number of local issues were raised such as poor working conditions, political unrest and concerns about German-Co restructuring programme (Vision 2020+). The employee representatives demanded the improvement in dialogue between employees and management, as well as the standard of the information shared by the management (German-Co Dialog IG Metall, 2019).

7.5.5 The German-Co Labour Union South Korea

The regional committee in South Korea is represented by the German-Co Labour Union. The union is part of the Korean Confederation of Trade Unions and represents the employees of German-Co in Seoul and Gimpo. The representatives of the German-Co Labour Union South Korea are:

- The president of the German-Co Labour Union,
- Two vice presidents of the German-Co Labour Union.

The most recent meeting took place on April 14-15, 2015 in Seoul (South Korea). The meeting was organised by the negotiating team of the Central Works Council, IndustriALL Global and IG Metall. The meeting focused on the implementation of the German-Co IFA (2012). The first day an employee only meeting took place and on the second day the local management joined the discussion (German-Co Dialog IG Metall, 2015).

7.6 The International Framework Agreement and Code of Conduct

The German-Co IFA (2012) demonstrates the company's commitment to the fundamental workers' rights and the conventions of the International Labour Organisation (ILO) and the UN Global Compact initiative. It includes provisions on the abolition of forced labour, equal opportunity, prohibition of child labour, the establishment of a minimum employment age, health and safety, freedom of association and collective bargaining. Using Hammer's (2005) terminology this IFA is a 'bargaining' agreement, as it includes detailed provisions about regular meetings, monitoring and compliance mechanisms. The Central Works Council negotiating team is monitoring the implementation of the German-Co IFA (2012). However, there a number of country-specific incidents took place, where the German-Co IFA (2012) was breached. These are discussed in detail in section 7.7. The article in German-Co Dialogue IG Metall (2014) includes a quote from an IG Metall union official who says that even though the German-Co IFA (2012) is a step forward for German-Co, 'it's a piece of paper' and in order to make it useful 'unions have to fight for it and make use of it'.

German-Co also has a German-Co Code of Conduct (2019). The most recent at the time of data collection version of the Code of Conduct was published in 2019. It acknowledges the human rights and labour practices such as prohibition of forced and child labour, non-discrimination and respect for employees, working hours, wages and benefits, health and safety, and grievance mechanism. The Code of Conduct is not monitored by any labour organisation at German-Co.

7.7 Key themes that emerged in the case study

7.7.1 The US incidents

The first case of an anti-union practices took place at the German-Co plant in the North East, Maryland (the USA) in 2012. Local management hired a law firm that specialises in union-busting to help them stop organising activities at the plant. This breached the employees' rights to freedom of association and collective bargaining, which were outlined in the German-Co IFA. A report from the IndustriALL Global (2012a) outlines that the company also removed union literature, prohibited workers from talking about the union, conducted surveillance of union supporters, withheld wage increases, circulated an anti-union petition, and denied German-Co employees from the United Steelworkers of America (USW) union access to the plant (IndustriALL Global, 2012b).

In the light of the management's actions, the IndustriALL Global General Secretary at that time, Jyrki Raina, issued a letter to German-Co President and CEO (IndustriALL Global, 2012a). Despite the support from the IndustriALL Global, on September 7, 2012 the USW lost the recognition election with 24 votes to 15 (Silvia, 2018a).

Following the incident in the North East, Maryland in 2012, the negotiating team of the Central Works Council and the IG Metall organised a meeting in Houston (USA), which a number of employee representatives from different US German-Co sites attended. After that, in 2013 the delegation of US employee representatives visited Germany and attended a meeting in Munich. Another anti-union incident took place in 2014 at the German-Co Medical Services plant based in Beaverton, Oregon (USA). The International Brotherhood of Electrical Workers (IBEW) tried to organise the employees but management employed a union-busting firm to stop this. This time, however, the local IBEW officials contacted the IG Metall and asked for support. The German union was able to persuade German-Co management to accept the bargaining unit proposed by the union. The IBEW won the recognition election, 13 to six (Silvia, 2018a). It can be explained by the fact that this time, the union already knew that they could get support from the German colleagues.

In the light of anti-union incidents, the development of the Steering Committee of the unions from the US and Canada was very important. Initially, the decision to create it came from the trip to Germany in 2013. This is how an interviewee described it:

'And we sort of talked that it's odd that we have to come to Germany to meet each other, because here in the US, we never crossed paths. I come back, and I had that idea: Let's get all the unions together because this is just too important not to. So I come up with the idea of getting all the US unions together and just having a meeting where we get together on an annual basis, and then invite North American management to attend the meeting for one day.' (German-Co-part. 6)

One of the interviewees recalls how the European colleagues were sceptical of the idea to organise various US trade unions due to high fragmentation of unions there:

'It was sort of funny because they looked at me and said: "That'll never work, because unions in the US don't get along. You know, they fight with each other." That was the perception of unions as far as Europe was looking at us, we just fight with each other all the time, we don't work together.' (German-Co-part. 6)

Nevertheless, the Steering Committee of the unions from the US and Canada represented at German-Co was established in 2016 in a meeting held in Orlando, Florida. Later in 2016 the IG Metall, the Central Works Council of German-Co Germany and the US unions have agreed with the German-Co management to reach a neutrality agreement for the US that guarantees the implementation of the German-Co International Framework Agreement in the US. On June 13-14 of 2016 the meeting was held in Washington, D.C. on this matter. On the first day the draft agreement was discussed. However, there were a number of issues. Trade unions highlighted that the draft did not include the unions as signatories. In fact, the supplemental agreement only included the signatories of the initial IFA (the Central Works Council, the IG Metall, the IndustriALL Global and company management). In addition, the draft did contain provisions for German-Co to take a neutral position regarding union organising in the US facilities. It was challenging for the unions to reach an agreement as their views varied on how the final document should look like (German-Co Dialog IG Metall, 2016). German-Co management took part in the meeting on the second day. The main point of the discussion was the possible cooperation of management and unions. The unions offered their support to the company on such matters as discussions with politicians and vocational training. Company management expressed interest in cooperation and as a result the neutrality agreement was signed.

The above examples suggest that the German actors such as the negotiating team of the Central Works Council and IG Metall played key roles in promoting cooperation between the US

management and local trade unions. However, despite having the neutrality agreement in place, there are few organising initiatives in the non-unionised plants in the US. This can be explained by high fragmentation of the US unions and lack of contacts. Silvia (2018a:13), for example, argues that: ‘the fragmentation of production at German-Co USA is a two-edged sword. On the one hand, fragmentation lowers the stakes of organising at any single location below the threshold that would be likely to attract attention from local politicians and business interests. Fragmentation, on the other hand, makes it harder to marshal and deploy resources from Germany in a way that has an impact at individual workplaces’.

‘Unifor has been invited the last three years. They came one year and they have not attended the last three years. And it’s not a matter of us not inviting them, they just choose not to attend. And we have a question – do I have the right person’s contact? Because maybe that person is not sharing invite with anybody else or he has just decided not to attend. Sometimes, you get into some political issues in the unions. And I have enough of my own issues, I’m not going to get involved in other people’s politics. I’ll send you the invite. If you choose to attend, you’re more than welcome. But if you do attend, leave your politics at home. This isn’t about that. This is about making the [German-Co] unions stronger working together.’ (German-Co-part. 6)

In fact, there are nine US trade unions represented at German-Co, but, such unions as the Brotherhood of Railroad Signalmen, the International Union of Operating Engineers, the United Association of Journeymen and Apprentices of the Plumbing, Pipefitting and Sprinkler Fitting Industry of the United States and Canada, and the United Brotherhood of Carpenters do not take part in the GUN. This could be again explained by the fragmentation of production sites and union rivalry in the US. Nonetheless, despite the high fragmentation, the cooperation between the US and German actors had a significant positive impact on issues like local dialogue between employee and management, information sharing, and unionisation.

7.7.2 The India incidents

The incidents in German-Co India took place due to a number of workers’ rights violations and precarious work. It began in 2011 in the German-Co Satellite Factory, when 42 workers were recruited as trainees. Their traineeship was supposed to last a year, after which they would be offered permanent contracts. Despite that, the management refused to offer these workers permanent contracts and gave them a new title – ‘trainee officers’. Workers were also informed in writing that they could not form or join a trade union, as outlined by Indian legislation. Even though workers accepted the title ‘trainee officers’, 40 workers joined a German-Co Workers Union (SWU) in June 2012. German-Co Workers Union stepped in and filed a complaint to the Industrial Court of Thane outlining that these workers should be qualified as ‘workmen’ as they perform the exact same duties as other

employees. On December 2, 2014 a settlement between the company and the SWU was reached (IndustriALL Global, 2014). As a result of this settlement, the workers were relocated to another site and received a range of benefits including: a 19% increase in their monthly salary; permanent contracts; five more days of paid leave; bus transportation; improved food and healthcare facilities. This, however, was not an isolated case. A similar incident took place in the German-Co Turbhe Factory, just four kilometres away from the Satellite Factory. After the hostile management practices and refusal to offer permanent contracts, the majority of workers in the German-Co Turbhe Factory joined the German-Co Workers Union (SWU) in October 2012. The SWU filed a complaint to the Industrial Court of Thane and the workers were transferred to the permanent contracts.

In a German-Co Transformer Factory in Thane another similar incident took place. The factory went under significant growth in 2012 and a number of workers were recruited as ‘executive technicians’ a title for precarious workers. These workers were not covered by the collective bargaining agreement, their wages were lower, and under the Indian legislation, they could not join the trade union. At that time the site was not unionised and job security and working conditions were low. The German-Co Workers’ Union (SWU) filed a complaint to the Industrial Court of Thane and the court decided in favour of the workers. In the 2013 the plant became unionised under the SWU. After series of negotiations a wage settlement for the German-Co Transformer Factory signed on November 30, 2016. The terms of the settlement include among other things a new definition of the ‘executive technicians’, who are now considered to be workmen, are paid an inflation allowance and can enter in the company incentive scheme (IndustriALL Global, 2016c).

Another more recent incident was also mentioned in the interviews. It took place in three German-Co factories in Goa. A number of workers in these three factories were categorised as ‘executive technicians’. They contacted the German-Co Workers’ Union (SWU) with an intention to join the trade union. The SWU contacted the management in the Goa plants and the management agreed to let the workers become part of the union. In contrast to previous examples, in this case the SWU did not have to file the complaint in the court. German-Co management recognised the SWU as a social partner based on the IFA signed by German-Co. Even though this example represents a significant step forward for the workers, the negotiation in Goa was still ongoing at the time of data collection (early October 2019). Interviews showed, that the SWU represented the demands of 200 workers in the Goa facilities in the attempt to change their title to workmen. The interviewee shared hopes that in a month or two, the SWU would be able to reach the settlement with the management.

Overall, the examples from India show that the German-Co Worker’s Union played a significant role in improving the dialogue between management and employees. The support from IndustriALL Global and IG Metall was also an important factor:

'Slowly, because of association with IG Metall and IndustriALL and this international network, as well as the changes in the approach of HR, [relationship between management and employees] has changed.' (German-Co-part. 9)

7.7.3 Digitalisation

Digitalisation or Industry 4.0 was one of the key themes that was raised in the interviews. Industry 4.0 originated in Germany, where it is known as 'Industrie 4.0'. As a German company, German-Co tries to be at the forefront of this development. Interviews showed that digitalisation will have a significant influence on all levels of the process and not just production at German-Co. It will affect administration, research and development, purchasing and logistics. On the one hand, it can help increase the productivity and efficiency, raise security standards. On the other hand, it could endanger the future of jobs. This evokes resistance, so the process needs to be explained and made transparent for the workers. German-Co organises a number of workshops to facilitate the implementation of Industry 4.0. For example, one of the interviewees explained the topics discussed in the workshops are:

'The idea is to discuss what is the impact of digitalisation on our manufacturing in China, what is our role as a union, and what should be the role of our individual employees to be aware of the digitalisation. For example, learning, in addition to what they know as competence. We need to learn, otherwise we will be kicked out of the company.' (German-Co-part. 5)

However, facilitation of the new developments at German-Co is a complex process and there is a threat of job losses. It requires professional training and significant transformation in the company. This is discussed at all levels of the company: local, country and global levels. Interviews also demonstrated the importance of cooperation between company management and trade unions that together can work on the new opportunities for the workers to develop new skills and competences.

'My understanding of digitalisation is that some jobs will be strengthened and some functions will be decreasing. But there are numerous other possibilities coming up for young people graduating from universities and schools. The company need to provide some opportunities for people to learn a new competence portfolio. Of course, this also depends very much on individuals. Meaning, if everybody could be open-minded to learn something new in addition to what they are doing, then of course, we will have more opportunities to adapt. Of course, from the company side, we do not regard an employee as just a tool – you are useful, then I use you, otherwise I kick you out. That's not the way. We should work together. The union and the Central Works Council should work together with company management to make everything transparent and foreseeable.' (German-Co-part. 5)

7.8 Summary

The global organising activities at German-Co took place in the early 1990s. The German-Co World Company Council met once in 1991 and stopped its operation. It was only after the negotiation of the German-Co IFA (2012), when a Global Trade Union Network (GUN) was set up at German-Co. The German-Co IFA (2012) played a key role in this process. The GUN consists of five regional metaclusters: the Steering Committee of the unions from the US and Canada represented at German-Co, the German-Co China Trade Union Chairman Community, the Employees' Federation of German-Co India, the Coordination Committee of German-Co in South America, and the German-Co Labour Union South Korea. The EWC and the GUN operate separately at German-Co. The negotiating team of the Central Works Council and the IG Metall coordinate the operation of the GUN. The active participation of the German actors demonstrates the influence of the German industrial relations on the GUN's operation. The incidents in the USA and India demonstrate the role of the German actors and the GUN play in the implementation of the German-Co IFA (2012) and resolving local disputes.

Chapter 8 French-Co Group Case study

This chapter presents the French-Co case study with a focus on the French-Co World Works Council (WWC). The chapter begins by providing a brief outline of the company background, followed by historical development of the global worker body at French-Co. Since the French-Co WWC was created through the gradual extension of the EWC, the brief outline of the French-Co EWC is presented first. It is important to clarify, although this thesis does not cover extended-EWCs, it does provide a brief overview of the extension of the French-Co EWC. This is because until 2015 French-Co had an extended-EWC. However, after the French-Co Addendum (agreement establishing a French-Co WWC) was signed in 2015 and all employee representatives were granted full member status, the extended EWC was transformed into a WWC. Therefore, currently there is a WWC at French-Co, which falls under the global worker body categories analysed in this thesis (outlined in Chapter 1). The process of the transition of the EWC into the WWC is explained in section 8.3.2 of this chapter. Following this, the WWC composition, steering committee, agenda, annual meetings and other key provisions are discussed. Subsequently, the French-Co IFA (2013) and the French-Co IFA (2019) are discussed, followed by an overview of the French-Co Code of Conduct (2019). This chapter finishes by highlighting the main themes that emerged from the case study, such as the incident in Turkey, the best practice transfer in Argentina and digitalisation.

8.1 Company background

French-Co is a French automotive company with headquarters in Boulogne-Billancourt, near Paris. The company was founded nearly 125 years ago. Company's expertise lies in manufacturing of passenger cars, light commercial vehicles and associated components, as well as provisions of such services as sales financing, rental, maintenance and service contracts. In 2018 French-Co employed 183,002 employees in 39 manufacturing sites in 37 countries worldwide (Groupe French-Co, 2018). The average number of employees per region is listed in a Table 8.1 below.

Table 8.1 French-Co average number of employees (Groupe French-Co, 2018).

Region	Average number of employees	Percentage, %
Europe	73,018 (of which France 48,679)	39.9 % (of which France 26.6 %)
Eurasia (Turkey, Russia, Romania)	78,325	42.8 %
Africa, Middle East, India	14,823	8.1 %
Americas	12,261	6.7 %
Asia-Pacific	4,575	2.5 %

French-Co's size and scale are smaller compared to the other companies outlined in this research. The profitability reflects the need for controlled operations throughout the organisation.

Table 8.2 French-Co Key Figures (Groupe French-Co, 2018, 2019).

Key figures, €m	Half Year ending 30 Jun 2019	Financial Year ending 31 Dec 2018	Financial Year ending 31 Dec 2017
Net sales (revenue)	28,050	57,419	58,770
Operating profit	1,654	3,612	3,854
Operating margin, %	5.9%	6.3 %	6.4 %

French-Co business is organised in two operational sectors: automotive and services. The automotive sector is responsible for design, production and distribution of products through a sales network. It also sells used vehicles and spare parts. Services sector provides such services as sales financing, rental, maintenance and service contracts.

In terms of geographical location, French-Co operates in five main regions: Europe; Eurasia; Africa, Middle East and India; Americas and Asia-Pacific. Information on net sales by region is presented in Table 8.3 below.

Table 8.3 Net sales by region (Groupe French-Co, 2018, 2019).

Region	Net sales, %
Europe	49.5%
Eurasia	19.5%
Africa, Middle East, India	11.5%
Americas	11%
Asia-Pacific	8.5%

8.2 French-Co EWC profile

The French-Co EWC was called the French-Co European Group Council. The French-Co EWC is based on Article 13 and is a pre-directive agreement (voluntary agreement)⁹. It was first established on March 5, 1993. The original set-up of French-Co EWC is presented in the Table 8.4 below.

⁹ Art. 13 agreements (pre-directive agreements, voluntary agreements) – agreements setting up EWCs signed under the framework of Art. 13 of Directive 94/45/EC. This article allowed worker

Table 8.4 The French-Co EWC, Original set-up (French-Co EWC Agreement, 1993).

Countries:	Number of delegates:
Belgium	2
France	16
Fed. Rep. of Germany	1
Italy	1
Luxembourg	1
Netherlands	1
Portugal	2
Spain	4
United Kingdom	2
Total:	30

The French-Co was involved in a scandal, which highlighted the limitations of its EWC that was not consulted over a plant closure. In February 1997, French-Co announced a closure of one of its plants in Belgium, without consulting the 3,100 workers, French and Belgian unions and the EWC. This led to the European strike, where all European plants of French-Co stopped work for an hour. The European Trade Union Confederation (ETUC) called for demonstrations, and European Metalworkers' Federation supported the acts of solidarity. The French-Co was found guilty of having contravened the 1975 EC Directive on collective redundancies (relating to the information and consultation rights of workers in the case of collective redundancies) and the EWC Directive (regarding the employees being informed and consulted prior to the decision on plant closure). The French-Co announced that the plant closure and subsequent transfer of production to other plants, would save it around 850 million French francs (over 90 million pounds). In the eyes of the company, the savings have been significant event despite the threat of the maximum fines of a maximum of 4 million Belgian francs (around 66,000 pounds). It is interesting that in the end the Belgian court applied no fines on French-Co (EIRR, 1998). In March 1998 an amendment to the French-Co EWC Agreement was signed, taking into account the decision the court has ruled and establishing that the Select Committee of the EWC will be consulted in the case of the planned exceptional decision that has significant transnational consequences (ETUI, 2016b).

representatives and management to conclude agreements before 22/09/1996 (entry into force of the directive) that would be exempted from the requirements of the directive. Such agreements continue to claim their status also if renegotiated after 22/09/1996 (ETUI, 2016a).

In 2015 the EWC at French-Co was converted into the World Works Council. In fact, the French-Co WWC fulfils functions of the EWC, as explained later in Table 8.7. Table 8.5 summarises the main characteristics of the EWC at French-Co.

Table 8.5 Key features of the French-Co EWC (own research).

Name	French-Co European Group Council
Initial EWC agreement	1993
End	April 29, 2015 – conversion into a WWC
National law/headquarters	France
EWC type	Employee and management representatives
Steering committee	Select committee with ten members
Annual meetings	Once a year

8.3 The French-Co World Works Council

8.3.1 Historical development pre-2016

The World Works Council at French-Co is a result of the gradual extension of the European Works Council. Major changes came in 2000, when the observer status was granted to employee representatives from such countries: Argentina, Brazil, Romania, Slovenia and Turkey. The agreement also included a clause that the Korean observer could be appointed within a period of two years. This extended EWC also took over the role and responsibilities of the France Group Council. Table 8.6 demonstrates the extended EWC at French-Co in 2000.

Table 8.6 Composition of the extended French-Co EWC (French-Co EWC Agreement, 2000).

Countries with full member status:	Number of delegates:
Austria	1
Belgium	1
France	18
Germany	1
Italy	1
Luxembourg	1
Netherlands	1
Portugal	1
Spain	4
United Kingdom	1
Countries with observer status:	Number of delegates:
Argentina	1
Brazil	1
Romania	1
Slovenia	1
Turkey	1

In 2003 the French-Co EWC extended its numbers from 30 full members to 32 full members. An employee representative from Hungary joined the meetings and the employee representative from Slovenia was granted a full member status. An observer from Korea has joined the meetings. Countries with observer status thus included Argentina, Brazil, Korea, Rumania and Turkey.

In 2007 the employee representative from Poland joining the meetings as a full member and the employee representative from Romania became a full member. On the observer side, Russian employee was invited to the meetings.

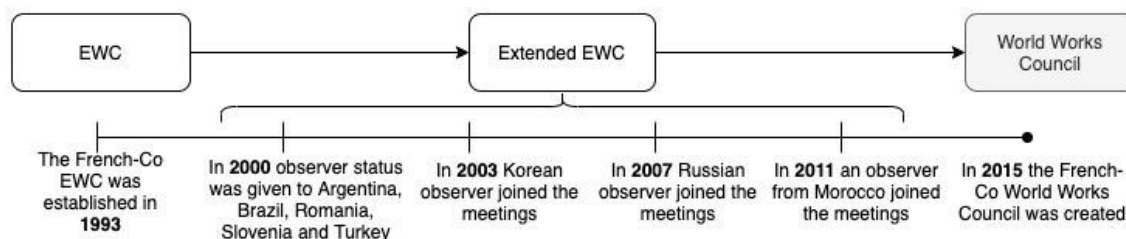
In 2011 an employee representative from Czech Republic joined the meetings as the full-time member. An observer from Morocco also joined the meetings. In 2015 the French-Co World Works Council was established.

8.3.2 Creation

The French-Co World Works Council is called French-Co Group Works Council (Comité de Groupe French-Co). It was created as a result of gradual transformation of the EWC. Figure 8.1 illustrates the gradual transformation of EWC into a WWC. The French-Co WWC was formed on April 29, 2015,

when Addendum to the French-Co Group Council Supplementing the Amended Agreement of 5 May 1995, (French-Co Addendum, 2015) was signed by the French-Co WWC, IndustriALL European Trade Union, IndustriALL Global, union representatives from major French-Co facilities in Europe and French-Co management.

Figure 8.1 Transformation of a European Works Council (EWC) into a World Works Council (WWC) at French-Co (own compilation)



The French-Co WWC incorporates the functions of three bodies: a WWC, an EWC and those of a group committee (*comité de groupe* – a national institution of worker representation provided for companies with group structure by French legislation). In fact, as a global worker body, French-Co WWC has three main roles, which are outlined below in Table 8.7. Annex 3 of the French-Co Addendum (2015) specifies the composition and appointment of members of the French-Co Group Council for France. In total there are 13 members on the French-Co Group Council for France that are appointed by the trade unions. The seat distribution between the trade unions is proportional to the number of elected representatives they obtained in each electoral college (a group of workers, which represents different grades of workers in the company such as employees, workers etc.), by application of the proportional representation system with the rule of the highest remainder out of the number of seats gained in the elections for work committees.

Table 8.7 The French-Co WWC roles (based on French-Co Addendum, 2015:3).

The French-Co WWC – <i>Comité de Groupe French-Co</i>	It is composed of the representatives of general management and all employee representatives. General management exchanges information about company’s position, strategic direction and future prospects. It also monitors the IFA. The membership is the same, i.e. EWC members are also part of the WWC.
The European Works Council – European Group Council or an extraordinary session of the Group Select Committee	It consists of the chair, management representatives and members representing entities in countries in the European Economic Area. It is an information and consultation body, where information means

	communication of data by management and consultation refers to an organisation of dialogue and exchange of views between employee and management representatives. Employee representatives are enabled to express opinions, which may be taken into account in the decision-making process.
The France Group Council	The French-Co WWC takes over the role and responsibilities of the France Group Council (French group committee). Members of the France Group Council are also part of the French-Co WWC and French-Co EWC.

8.4 The French-Co World Works Council functions

8.4.1 Country representation

The Chairman and Chief Executive Officer of French-Co or the representative chairs the French-Co WWC. In total there are 40 full-time members on the French-Co World Works Council (WWC). The numbers for each country are outlined in Table 8.8.

Table 8.8 Breakdown by country of the employee representatives of the French-Co WWC (French-Co Addendum, 2015:14).

Countries of the European Economic Area:	Number of delegates:
France	17
Germany	1
Austria and Switzerland	1
Belgium, Netherlands and Luxembourg	1
Spain	3
Italy	1
Poland, Hungary, Slovakia and Czech Republic	1
Portugal	1
Romania	3
United Kingdom and Ireland	1
Slovenia and Croatia	1
Other countries:	Number of delegates:
Argentina	1
Brazil	2
South Korea	1

India	1
Morocco	2
Russia	1
Turkey	1

The full and alternate employee representatives must be employees of French-Co or a French-Co subsidiary. They must hold a mandate to represent employees, as an elected or trade union representative. There is no requirement to be a trade union member and the union does not have to be affiliated to IndustriALL Global to send the delegates. However, the majority of unions are affiliated to IndustriALL Global and French-Co Bank subsidiary is affiliated to UNI Global Union.

In each country or region, the management of one of the French-Co subsidiaries is appointed by the general management as coordinator of the organisation of appointment for that country. The role of the coordinator is to ensure that the full and alternate members are appointed for the seats awarded to that country.

Alternate members are appointed under the same conditions as the full members and attend the meeting only when the full member is absent. The term of office of both full and alternate employee representatives is four years.

8.4.2 Appointment of delegates for countries other than France

The number of employee representatives is decided differently for European Economic Area (EEA) countries and countries outside of the EEA. For countries in the EEA (excluding France for which there is a set number of 17 delegates), at least one employee representative is appointed per country or group of countries, where French-Co employs at least 300 employees. For other countries, at least one employee representative is appointed per country where French-Co employs at least 2,500 employees. In countries where French-Co employs at least 6,000 employees, an additional employee representative may be appointed (French-Co Addendum, 2015).

8.4.3 Appointment of delegates in France

In total 17 seats are awarded to employee representatives from France, one per representative trade union at both national and company levels. The other seats are distributed in proportion to the actual numbers of each electoral college (a group of workers, which represents different grades of workers in the company), by application of the proportional representation system with the rule of the highest

remainder out of the number of seats gained in the elections for work committees¹⁰ (*comité d'entreprise*). This due to the fact that French-Co WWC takes over the role of the French-Co Group Council for France.

8.4.4 The steering committee

There is a steering committee at French-Co, which is called Group Select Committee. It consists of a secretary, management representatives and ten deputy secretaries. Secretary and deputy secretaries are appointed by the French-Co WWC among the full members representing the entities in the EEA. The terms of office of the secretary and deputy secretaries are four years.

The Group Select Committee meets several times a year, depending on the developments in the company. The interviews identified that in 2018 the Group Select Committee met more than ten times in total, which includes ordinary and extraordinary meetings. In accordance with Chapter 6 of the French-Co IFA (2013) select committee has a responsibility to play a role in handling any difficulties that might arise in the implementation of the French-Co IFA (2013). There is an opportunity to organise extraordinary Group Steering Committee meetings in the event of exceptional decisions that have the EEA scope. When the consequences involve employees from the EEA countries, members of the WWC representing that country or group of countries are invited to the meeting. For the extraordinary meetings, the meeting is held either as the Group Select Committee meeting or as a French-Co European Works Council meeting (explained in Table 8.7). For both ordinary or extraordinary meetings, the Group Select Committee is allowed one day or half a day for preparation, depending on how long (a day or half a day) the committee meetings is (French-Co Addendum, 2015).

Usually the ordinary meetings take two days. Any full member of the WWC may be invited to attend a meeting of the Group Select Committee, when one of the items discussed is connected to their country. Usually the meetings take place in France in Boulogne-Billancourt or in other locations in France. There is also an opportunity to have these meetings in other locations in Europe. As an exception, in 2018 one meeting took place in Turkey. The agenda is sent 15 days before the scheduled meeting date (French-Co Addendum, 2015).

¹⁰ The French-Co Addendum (2015) pre-dates the 2017 Macron legislation that stipulates the creation of social and economic committees, merging the personnel representatives, the works committees and the Health, Safety and Working Conditions Committees together. These changes need to be implemented by January 1, 2020 the latest.

8.4.5 Learning sessions

Group Select Committee makes a study trip called a ‘learning session’ every year. Depending on the destination country, other members of the French-Co WWC may be invited by the WWC secretary. The most recent session at the time of data collection, took place in 2018 in South Korea. The aim was to better understand social laws and social context in the country and discuss the French-Co IFA (2013).

‘The title [learning session] is really, really good because we go there to understand, we go there to learn.’ (French-Co-part. 1)

8.4.6 The agenda

The chair of the French-Co WWC (the Chairman and Chief Executive Officer of French-Co) or the representative determines the agenda for the meetings in consultation with the WWC secretary. Reference document in English and French and annual financial report is sent to the members of French-Co WWC one month before the annual meeting. After they receive the documents, members of the French-Co WWC send their questions to the general management (French-Co Addendum, 2015). The dialogue takes place between employees and management on such topics as:

- Company’s strategic direction and its implementation;
- Economic and financial position;
- Market trends, policy and sales performance;
- New products and services;
- Changes in design, production, sales processes and in work organisation;
- Human resources policies: managing employment, skills, payroll, health and safety and the quality of working life;
- Corporate Social Responsibility (CSR) and environmental policy.

8.4.7 The WWC meetings

The French-Co WWC meets annually in Boulogne-Billancourt (France) or on site, according to the subject of discussion. Annual plenary session lasts for three to four days, sometimes extending up to a week with the site study visits. On the first day there is a preparatory meeting without the management, which all full members are allowed to attend. After that the plenary session takes place (one to two days), in which French-Co management takes part. After the plenary session, management organises a meeting to monitor the IFA, which can take up to two days. In the last day the study visits take place. The French-Co Addendum (2015) outlines that the meetings may be organised with the use of means of communication such as audio or video conferencing.

Presentations are made in French or in English, and could be done in the language of the visited country for the learning visits. The documents distributed after the meetings are in the language in which they were presented. For the plenary session, including the preparatory meetings, the interpretation is organised into 12 languages.

8.4.8 The WWC annual meeting in 2018

The most recent French-Co WWC meeting at the time of data collection took place in 2018 in Boulogne-Billancourt (France). The main topics were the French-Co IFA (2013) and the new upcoming French-Co IFA (2019), health and safety, economic environment and digitalisation. The employee representatives had a study visit to the French-Co site Technocentre (Guyancourt, France) to see new digital tools that will be implemented in other plants in the near future. This is how the interviewee described the WWC meetings:

'It is possible to have an open discussion, really. We have long history of social dialogue at the company. I would say that through the World Works Council, we try to make a common culture throughout all the world, a social dialogue environment. The question is not you have to be kind with the management. If you want to have an efficient social dialogue, you have to say what you have to say. But if you have something to say, please make sure there are facts behind it. Also, with the International Framework Agreement, you should have answers from your local management. And it does help, I've seen that!' (French-Co-part. 1)

8.4.9 Adjustment and confidentiality clause

The French-Co Addendum (2015) does not require regular reviews, but includes an adjustment clause. It outlines that if significant modifications occur in the structure of the company leading to a conflict between the provisions, management would start the negotiation process. During the negotiations the existing WWC will continue its functions until the new WWC starts operating (French-Co Addendum, 2015).

The members of the French-Co WWC and all the experts are required to treat information provided by management as confidential, and before sharing information management must indicate the degree of confidentiality required.

8.4.10 External experts and facilities

The agreement does not explicitly provide for the external experts. Interviews showed that the coordinator from the IndustriALL Global is only allowed to attend the preparatory meeting (without the management) and the IFA meeting.

'Whereas us, the IndustriALL, we are only involved in the preparatory meeting, so the trade union side meeting, and the two days of meeting on the International Framework Agreement. We are not allowed to attend the session with the management.' (IndALLGlobal-part. 4 French-Co)

All organisational expenses for the WWC meeting are borne by the company and include interpreting expenses during meetings, translation expenses for the materials, room bookings, travel, subsistence and accommodation expenses for the WWC meeting (French-Co Addendum, 2015).

8.4.11 Means of communication and training

The employee representatives have a personal email, access to the company's intranet and internet. The Group Select Committee members have a laptop, access to a colour printer, an external storage device and a mobile phone with an international subscription.

The Group Steering Committee members are entitled to training in French and English, as well as training sessions on economic, financial, social, legal, societal and environmental subjects dealt with at the WWC meetings. The members of the WWC may have language training in French and English, if the local management decides that it is necessary. An 'integration session' for new members of the WWC is organised by the management and the WWC secretary. The French-Co Addendum (2015) outlines that the integration session is aimed at improving the employee representative's knowledge of the company and its economic, social and cultural environment, as well as with their knowledge of the practice of social dialogue at the global level.

Table 8.9 summarises the key aspect of the content of the French-Co Addendum (2015).

Table 8.9 Summary of the French-Co Addendum (2015).

Annual meeting	Once a year in Boulogne-Billancourt (France) or on site.
Agenda items	Company's strategic direction and its implementation; economic and financial position; market trends, policy and sales performance; new products and services; changes in design, production, sales processes and in work organisation; human resources policies: managing employment, skills, payroll, health and safety and the quality of working life; CSR and environmental policy.
Composition	Employee representatives have to be elected or have to be trade union representatives. They are appointed depending on the country.

Allowances for steering committee meetings	In addition to regular and preparatory meetings, the Group Steering Committee has a right to hold extraordinary meetings.
Experts attending the meetings	Not explicitly addressed.
Costs covered by the company and the appropriate time off	All organisational expenses for the WWC meeting are borne by the company and include interpreting expenses during meetings, translation expenses for the materials, room bookings, travel, subsistence and accommodation expenses for the WWC meeting. Time off is addressed, and refers to the 'credit time' of 15 hours given to all employee representatives. Additional credit is given depending on the specific roles.
A confidentiality clause	Acknowledged.
Training provisions	The Group Steering Committee members are entitled to training in French and English, as well as training sessions on economic, financial, social, legal, societal and environmental subjects dealt with at the WWC meetings. The members of the WWC may have language training in French and English, if the local management decides that it is necessary. An integration session is provided for new members of the WWC.

8.5 The International Framework Agreement and Code of Conduct

For the purpose of this thesis, the two most recent IFAs are discussed: the French-Co IFA (2013) and the French-Co IFA (2019). French-Co management, the French-Co European Works Council and IndustriALL Global Union signed the French-Co IFA (2013) on July 2, 2013. This agreement renews and reinforces the old French-Co IFA (2004). There are five key areas, to which signatories commit, represented by the five chapters of the French-Co IFA (2013). The first area is the respect for fundamental social rights. French-Co adheres to respect the principles outlined in the Declaration of the International Labour Organisation of 1998, relating to the basic principles and rights at work. French-Co also commits to the OECD Guidelines for Multinational Enterprises. Social responsibility to employees is the second area, which is expressed through social dialogue, health and safety policy, work and skills management, remuneration and social protection, and the promotion of diversity. The French-Co IFA (2013) particularly highlights company's attempt to ensure that all employees are represented either by employee representatives elected or by a relevant labour organisation. The document also highlights company's respect for trade union activity, which follows the principles stipulated by the ILO in the Freedom of Association and Protection of the Right to Organise

Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

French-Co also commits to supporting society more broadly in the areas where it is located, including the support for educational projects. Relationships with suppliers is the fourth area addressed in the French-Co IFA (2013). Lastly, the French-Co IFA (2013) aims at the reduction of environmental footprint and protection of the planet. Using Hammer's (2005) terminology the French-Co IFA (2013) is a 'bargaining' agreement, as it includes detailed provisions about regular meetings, monitoring and compliance mechanisms. It is jointly monitored by the management, the French-Co WWC and IndustriALL Global.

At the time of data collection, the new French-Co IFA (2019) was being drafted. On July 9, 2019 French-Co, the French-Co WWC and IndustriALL Global signed the French-Co IFA (2019). The French-Co IFA (2019) complements the existing agreement and incorporates the principles stipulated by the ILO in the Violence and Harassment Convention, 2019 (No. 190). The main areas addressed in the document include dialogue on the evolution of the world of work, collaborative management system, sustainable commitment to inclusion, work-life balance and adaptation of the working environment. The agreement provides a binding legal basis for any future local agreements. Using Hammer's (2005) terminology the French-Co IFA (2019) it is a 'bargaining' agreement, which outlines the procedures for non-compliance and complaints to be raised. It is jointly monitored by the management, the French-Co WWC and IndustriALL Global.

French-Co also has a French-Co Code of Conduct (2019). The most recent at the time of data collection version of the French-Co Code of Conduct was published in 2019. It includes five areas: protection of employees, protection of assets, protection of customers, protection of shareholders and promotion of responsible citizenship. Its implementation is not monitored by any labour-side actors.

8.6 Key themes that emerged in the case study

8.6.1 Turkey

Implementation of the French-Co IFA (2013) is not straightforward. The French-Co WWC has limited information on the nature of the local conflicts, which makes it difficult to solve them at the global level. One such local dispute took place at the French-Co Oyak plant in Bursa (Turkey). The conflict took place between the two trade unions, one of which was affiliated to IndustriALL Global and the other one was not. Having two competing unions in one plant, neither of which were recognised by the management, led to a conflict and workers started a strike in spring 2015. The Turkish trade union affiliated to IndustriALL Global, Birlesik Metal-Is, and French-Co plant

management agreed to organise elections on February 29, 2016. The aim was to finally have a social partner that can discuss matters and negotiate with the management. However, the conflict escalated, when the management of the plant cancelled the union elections a couple of days before they were planned to take place and fired ten workers. Despite the attempt from IndustriALL Global to intervene, plant management continued to fire workers with more than 60 people losing their jobs and an additional 100 being asked to leave with severance packages (IndustriALL, 2016d). The plant management fired workers, violating the commitments made in the French-Co IFA (2013). The French-Co IFA (2013) acknowledges and respects freedom of association and effective recognition of the right to collective bargaining and the incidents in Turkey showed that the local management was acting against these principles. IndustriALL Global and IndustriALL European Trade Union issued a declaration signed by General Secretaries of both unions stating: ‘even though French-Co was not involved in the judicial persecution of the workers, the company bears responsibility for having failed to solve the conflict through social dialogue, and having instead called the police to repress the striking workers in 2016’ (IndustriALL, 2018, para. 4).

The incident in Turkey also demonstrated that the French-Co WWC lacked the information to step in and make a clear judgement on the situation.

‘We have just realised with Turkey that we don’t have the elements to do, or to take a position and say, okay, you are right. Or no, you’re wrong or right or we don’t agree. Because we don’t have the information first-hand. The first thing we have to realise is that we need to go to the country and to interview every party that is involved: workers, management. For instance, in the Turkey case, it was a conflict between the two unions, and we need both to understand what is the problem, maybe to take a position if we consider that it’s something that we can do. [...] With Turkey we have realised that the protocol was not established. It didn’t work as well as we would want. We had information from a union, information from the other union, information from the management of the plant, the country and they were not saying the same things. Then it was like, who can I trust really because even in the same meeting, they were saying different things. It’s very hard to take a position or to recommend to do something when you don’t have all the information.’ (French-Co-part. 3)

The French-Co IFA (2013) proved to be helpful in resolving a local conflict in Turkey. However, as the below quotes show, in the end the conflict was resolved at the local level rather than global.

‘One of the very, very important messages we sent to people in Turkey, to both management and unionists, was the security of the people in the front. It was very hard, very, very difficult. So, we came saying there is International Framework Agreement, and there are guidelines that are very important.’

You have to follow these guidelines. In fact, when the factory decided to follow the guidelines, they finally went to submission.’ (French-Co-part. 1)

‘The problem was solved, but not through the World Work Council. Maybe the pressure we put, maybe it helped. But the local problems at the end must be solved by local people, management or local unions. We can help them find a common solution; we can try to impose global management of the global human resource but they must apply a final solution.’ (French-Co-part. 3)

The incidents in Turkey helped to establish a more precise procedure for the WWC to resolve local incidents.

‘When there is a problem in one country, we have like a checklist of things that must be done. First, it’s the people in the country. We need to see if they can solve the problem locally, talking with human resources, with the management in the country. Then [we need] to see if they can solve it at the regional level. We have the organisation in [French-Co] by region, and maybe with the regional human resources it can be solved. Then if there’s no solution, they can come to the World Work Council to see if we can make something to find a solution. And once we have this information, like if something is not working well, we are going to go to the country to see if we can collect all the information on the issue, on the problem to make a recommendations because we don’t have truly a lot of power, but we can say, okay we agree or we don’t agree with the situation. We can ask the human resources, global human resources or the management to take a position to solve the problem. And we can use the IFA to say: “Okay, you’re not respecting that, you need to respect that. If this is something that you have signed, then you must respect it.”’ (French-Co-part. 3)

8.6.2 Argentina

The implementation of the Competitiveness Agreement in Argentina is an example of the policy transfer that took place after the informal interaction between the employee representatives at the French-Co WWC. In 2015 the demand for cars decreased and the French-Co plant in Argentina was viewed as inefficient. The company management contacted the employee representative from Argentina suggesting that the plant would close in four-five years, if no actions were taken:

‘It was a shock for the representative. The representative, when he came to the employees and explained that, the employees told him no way, we don’t want to leave because we know that the management is not telling the truth.’ (French-Co-part. 1)

The employee representative from Argentina, in the plenary session talked to his colleagues from other countries. In particular, the conversation with the Spanish representatives proved to be helpful.

In Spain, French-Co had a similar situation a couple of years ago and to solve this matter the company had to implement the so-called Competitiveness Agreement in 2010. The Competitiveness Agreement could have been the solution for the situation in Argentina, and the employee representative was invited to Madrid (Spain) to talk to the workers and to better understand the process of negotiation.

'When he came back, he had a lot of information to give to the employees. It was possible for him to say yes, it is important to have an agreement with the management. This is because when they say we won't shut the plant; it will be true. So, they finally went in negotiation, they succeeded to find an agreement. Finally, the plant had more than \$300 million of investment to produce five-six new car models to build. It is a complete success!' (French-Co-part. 1)

The Competitiveness Agreements at French-Co are widespread. Spain was the first country to implement such an agreement in 2010. In South Korea, an agreement on wages, working time at the Busan plant was signed in July 2013. In France, Competitiveness Agreement was signed in 2013 (Groupe French-Co, 2014). A Competitiveness Agreement includes management and labour sitting together to perform a 'diagnostic' of a plant or a number of plants. Together they decide what could be done to improve efficiency. Usually a company promises to keep manufacturing sites and make some adjustments without the redundancies. It usually includes some form of the overtime work, cost reduction and implementation production targets.

The case of Argentina demonstrates the importance of the dialogue between the employee representatives from different countries that facilitates the spread of best practices:

'That's why the WWC is useful. For the people from Argentina it was not possible to go further. But the representative had the opportunity to speak with people who had the experience. Then it was possible to succeed and to maintain the employment, to maintain the activity in Argentina. This is a good, a true example. I love it very much because it shows how it is possible, with the WWC, to improve the social dialogue. So, we try a lot now, when we get together for the plenary session, we have workshop all together on very, very specific topics in order to share what was done here or there. We try to have the best practices from this or this country and honestly, it is not because [French-Co] is French. It is not France where all the best practices are coming from, I can tell you. Because I would say each country has best practices on different topics. So that's why I say very, very useful. Very good.' (French-Co-part. 1)

It also demonstrated the importance of the WWC, as a place where the exchange of information takes place between the employee representatives from different countries:

'The WWC is a place where we can share, a place where we can speak together very openly. And the management and the company let us have time just between us to have the opportunity to really to feel free to speak.' (French-Co-part. 1)

8.6.3 Digitalisation

Digitalisation or Industry 4.0 is a topic actively discussed at French-Co. The company facilitates the workshops to spread the information:

'In [French-Co] digitalisation is being developed at all levels in all the company. I mean, it's not only for instance, marketing or commercial, it's engineering, also it is in financial department. It's at all levels we are making this digitalisation. We had presentations about this, and each year we have the presentations as to how it is working, the new features of the new projects that are coming for the plants for the support teams, for engineering, purchasing department, financial and so on. Then, for us it's very important to have this kind of vision to understand which training we need to adapt each worker to that digitisation or robotization that is coming.' (French-Co-part. 3)

During the study visit to the French-Co site Technocentre in Guyancourt (France) in 2018 a discussion on digitalisation took place between employee representatives and management. Interviews demonstrated that a number of important topics were raised such as job losses, the future prospects of digitalisation and new skills and competencies requirements. The conversation that took place in the Technocentre also highlighted the contrasting views held by management and the workers. Company management views digitalisation as a positive process, that can make the company more innovative and efficient. In contrast, the workers do not welcome the digitalisation as it may lead to job losses. Despite the different perspectives held by management and workers, interviewees specified that it was possible to have an open discussion and argued it was helpful to directly address the management on these issues.

8.7 Summary

The French-Co World Works Council (WWC) is a result of the gradual extension of the European Works Council that was created in 1993. The case study demonstrated the process of transformation of the European structure into the global worker body, facilitated by the company's history of social dialogue. The French-Co Addendum (2015) resembles the EWC Agreements and has a number of detailed provisions. The company has signed two International Framework Agreements that are monitored by the management, the French-Co WWC and IndustriALL Global. Despite that, an example from Turkey demonstrates that the process of the French-Co IFA (2013) implementation is

not straightforward. The WWC plays a key role in resolving national conflicts and provides an opportunity for employee representatives to build informal contacts and exchange best practices. This is illustrated with the case of Argentina, where the Competitiveness Agreement was signed as a result of the policy transfer between Argentinian and Spanish employee representatives.

Chapter 9 Discussion

This chapter provides a discussion of the themes that have emerged in the study. Its aim is to conceptualise the findings in the light of the global regulatory space framework, outlined in Chapter 1 (Table 1.6). The data reported in Chapters 6, 7 and 8 is used to demonstrate different pathways to global employee voice. In short, this chapter looks at various factors that facilitate or hinder operation of the GUN, WUC and the WWC at different stages of their development: formation, functioning and outcomes. It presents the discussion in a series of tables and is structured as following. First, using the regulatory space framework (Table 9.1) the chapter provides a comparative evaluation of the three case studies. Secondly, it focuses on the formation of global worker bodies and Table 9.2 demonstrates how the global worker bodies at Swedish-Co, German-Co and French-Co were created. Factors determining the creation of global worker bodies are summarised in Table 9.3. Next, the chapter attempts to answer the question to what extent the GUN, WUC and the WWC are able to provide meaningful employee voice. The adapted escalator of participation (Marchington et al., 1992:7; Blyton and Turnbull, 2004:255) and Hyman's (1997) dimensions of employee representation: autonomy, legitimacy and efficacy are used to discuss effectiveness of global worker bodies. Following this, this chapter provides a summary of the various internal and external factors affecting occupancy of regulatory space for global employee voice (Table 9.4). Lastly, the main limitations of the global regulatory framework are highlighted and a proposition for a more fluid framework is made.

9.1 Comparative evaluation of case studies

The theoretical framework proposed in Chapter 1 – regulatory space framework for employee voice – consists of four levels of regulation: the workplace level, the national level, the European level and the global level. It also looks at four regulatory domains: law (hard and soft), mandated negotiation, voluntarist negotiation and unilateralism. Domains represent the sphere of jurisdiction, occupied by particular actor or a number of actors. Table 9.1 reproduces the global regulatory space framework from Chapter 1 (Table 1.6) and applies it to the case study findings. Each of the four domains on four different levels are occupied by various actors and regulatory instruments. The actors and instruments that are specific to the three case studies are put in italics.

Table 9.1 Global regulatory space framework (adapted from Inversi et al., 2017:298; Inversi, 2019:176) applied to the case studies' findings.

Domain/ Level	Law		Mandated negotiation	Voluntarist negotiation: voluntarism	Unilateralism
	Hard	Soft			

<u>Global level:</u>	ILO Conventions	Private and Public voluntary CSR initiatives, <i>Swedish-Co Codes of Conduct, German-Co Group Code of Conduct, French-Co Code of Conduct, Soft law</i>	None	<i>French-Co World Works Council, Swedish-Co World Union Council, German-Co Global Trade Union Network, French-Co International Framework Agreements, German-Co International Framework Agreement, GUFs (IndustriALL Global)</i>	<i>Swedish-Co Group, German-Co Group, French-Co Group</i>
<u>European level:</u>	EU law, the EWC Directive 94/45/EC, the recast EWC Directive 2009/38/EC, Information and Consultation (ICE) 2002/14/EC Directive, European Company Statute (ECS)	Soft law (National Action Programmes)	<i>Swedish-Co EWC, German-Co EWC, French-Co EWC (part of the French-Co WWC)</i>	Collective bargaining at the EU level, European Framework Agreements and ETUFs (<i>IndustriALL European Trade Union</i>)	‘Troika’: European Commission, European Central Bank and International Monetary Fund

<u>National level:</u>	Constitution, Acts, Case law	Soft law (Corporate Governance Codes)	'Statutory' Collective Bargaining	Social partnership, Collective bargaining, National framework agreements	Regulation by managerial, employers or unions associations
<u>Company level:</u>	None	Soft law (Codes of practice)	<i>Board-level representation, Central Works Council and co-determination (German-Co case)</i>	Decentralised collective bargaining (workplace), Neutrality agreements, Non-union voice, Employment contract	Local management, Human Resource management, Conflict

The hard law domain at global level is occupied by the ILO Conventions and the soft law is represented by various public and private voluntary initiatives, such as Corporate Codes of Conduct in the three case study companies. There is no mandated negotiation at the global level. Instead, there is voluntarist negotiation – voluntarism. The global worker bodies are part of the voluntarism dimension, which is characterised by voluntary forms of negotiated regulation. The voluntarism dimension at the global level is highly occupied by labour side actors: the GUN, WUC and the WWC and such regulatory instruments as IFAs. The Global Union Federation present in all three cases – IndustriALL Global – occupies the voluntarism domain. Therefore, this domain has been the main focus of this thesis. Unilateralism at the global level is mainly presented by the multinational companies in the three cases. The company's unilateral power to contest regulatory space is a significant factor that determines the occupancy of regulatory space for global employee voice.

Turning to the European level, the hard law domain is represented by the EU law, the EWC Directive 94/45/EC, the recast of the EWC Directive 2009/38/EC, Information and Consultation (ICE) 2002/14/EC Directive, European Company Statute (ECS). The EWC Directives regulate the creation and operation of the EWCs. The soft law at the European level is represented by such initiatives as National Action Programmes. The EWCs, as bodies of employee voice in the companies studied, occupy the mandated negotiation domain. Interestingly, findings show how voluntarism at the global level can substitute mandated negotiation at the European level in the case of French-Co and Swedish-Co, as the global worker bodies 'replace' EWCs. This will be discussed in more detail later in this

chapter in section 9.1.3. The voluntarist dimension is occupied by collective bargaining at the EU level, European Trade Union Federations (such as IndustriALL European Trade Union), as well as the European Framework Agreements that companies negotiate voluntarily. The unilateral dimension at European level is occupied by the so-called ‘Troika’: European Commission, European Central Bank and International Monetary Fund. At the national level, the hard law domain is occupied by national legislation, e.g. constitution or case law. An example of the soft law at the national level is Corporate Governance Codes. Mandated negotiation is presented by ‘statutory’ collective bargaining, while voluntary negotiation is occupied by social partnership, national collective bargaining and national framework agreements. Unilateralism at the national level is reinforced by regulation through managerial, employer or union associations (Inversi et al., 2017). At the company level, the hard law dimension is not occupied by any actors. The soft law domain at the company level is occupied by Codes of practice. Mandated negotiation is occupied by board-level representation in companies. In the German-Co case, this domain is also occupied by the Central Works Council and co-determination provisions. Voluntarism at the national level is occupied by decentralised collective bargaining at the company level, neutrality agreements, non-union forms of voice and employment contract. Unilateralism at the company level is occupied by the prerogative of the local management, local conflict and human resource management.

Table 9.1 demonstrates that regulatory space is both multi-level and multi-dimensional. Each actor has their own domain (jurisdiction), but all actors interact within the global regulatory space for employee voice. Thus, the outcome of this interaction – the occupancy of global regulatory space for employee voice – is the result of a complex interplay of various actors (each with their own jurisdiction) at company, national, European and global levels. As the case study findings show, to understand the complex dynamics of the GUN, WUC and the WWC, it is not enough to look only at the global level, where they operate. To do that, the web of interrelationships of various actors from law, mandated negotiation, voluntarism and unilateralism domains across different levels needs to be uncovered. This will be demonstrated throughout the chapter.

To provide comparative evaluation of the three case studies, it is important to distinguish between the four levels at which regulation is taking place: company, national, European and global. The discussion below looks at the four levels of regulation in each of the three case studies and compares the main findings that have emerged in the study.

9.1.1 Company level

In all three case studies it is possible to distinguish key actors at the company level, who play an important role in facilitating the global worker bodies. These labour-side actors organise meetings, invite participants and draw the agenda. According to the regulatory space framework, positional

power and organisational status are key for individual actors to access the regulatory space (Hancher and Moran, 1989:161). In certain cases, these actors have undisputable power, which is the case for the Swedish-Co WUC Chairman and the French employee representatives at French-Co.

At Swedish-Co the influence of the WUC Chairman is undisputable. First, he has been working at the company for more than 40 years, of which 19 he was a WUC Chairman. Secondly, he is a member of the board of directors. As it was explained before, Sweden has one-tier board structure called the board of directors. In fact, he has the longest presence on the board of directors. His organisational role and position give him power to influence regulatory issues. However, the duality of his role sometimes confuses workers:

'I am mainly a troubleshooter and mediator, as both management and the unions are aware that I am a WUC Chairman and I am also sitting on the board of directors. I have an impact on both levels. Many people have difficulty understanding as they ask me: "What chair are you sitting on now? Who are you now?" But I say no, I am the Chairman, by law I have a right to be part of the board of directors. That means I can influence so much more. I think we are one of the few World Councils in the world that can influence in the way we can.' (Swedish-Co-part. 1)

The WUC Chairman has significant power in the decision-making related to the WUC. For example, he decides who is allowed to attend the WUC meetings as observers, such as a Chinese employee representative. Moreover, the WUC Chairman is the mediator in the conflict resolution process between local unions and local management. It is evident in the Czech Republic example, where the WUC chairman cooperated with the Czech trade union OS Kovo and representatives from management in order to have the workers at the factory unionised. The WUC Chairman is the main point of contact for local unions, that can contact him via the Swedish-Co intranet.

'They know they can approach me whenever they want, or when something happens. Then I have to decide if I can solve it from distance or if I need to go there.' (Swedish-Co-part. 1)

At German-Co, the Central Works Council (the negotiating team) and the Global Trade Union Network (GUN) coordinator from IG Metall play the key roles. The essential role of coordinators in bridging actors across the Global Trade Union Networks has been highlighted by Helfen and Fichter (2013). The negotiation team of the Central Works Council are members of the supervisory board. Together with the GUN coordinator from IG Metall they organise and participate in the regional and country specific GUN meetings. They also provide local unions with up-to-date information:

'We keep in touch with the IG Metall regarding the new things happening at the company, because [German-Co] is a very dynamic company and many things change, sometimes month from month. In that case, the gentleman from the IG Metall gives us authentic information.' (German-Co-part. 9)

'The union [IG Metall] and the Central Works Council work together with company management to make everything transparent and foreseeable.' (German-Co-part. 5)

The role the Central Works Council and IG Metall play at the regional meetings was particularly apparent in the US case, where they helped unions to cooperate and sign the neutrality agreement. Silvia (2018b:24, 1) refers to it as 'boomerang pressure' from foreign involvement and demonstrates how the US unions 'import power' and work together with their German colleagues (works councils and trade unions) to confront the local management. In the study Silvia (2018b) shows that some US unions seek assistance from German trade unions and works councils to help them organise the US facilities. Interviews demonstrated that since the Head of the Central Works Council and IG Metall participate in the meetings it ensures that the information shared by management is accurate and trustworthy:

'What's nice is to have the works council and the IG Metall there. They look at us and say: "Yeah, that's the whole story" or they will fill us in on the rest of the story.' (German-Co-part. 6)

At French-Co, findings reveal the dominant role French employee representatives play at the WWC meetings. In the EWC research this has been referred to as a 'home advantage' (Lecher et al., 1999:222), which suggests that employee representatives from the home country of company are likely to shape the EWC structures in accordance with their own national system and show greater confidence in discussion with the company management in EWC meetings (Cavallini et al., 2016). This might be explained by the way French delegates are appointed at French-Co. Each representative trade union is given one seat. The rest of the seats are allocated by application of the proportional representation system based on the elections for the work committees. This ensures strong support from the national trade unions and national employee representation structures.

'There is, of course, a lot of input from the French. I mean they will try to explain what's going on, and will go on and on. This is also true for the meetings with management.' (IndALLGlobal-part. 4 French-Co)

The home country delegates can utilise their power, which is based on their numerical dominance (17 French employee representatives in total, while Spain and Romania have the second largest presence with only three representatives each), strong union support and close relationship with the company

management, to achieve preferred regulatory outcomes. For example, they can negotiate the creation of a global worker body, if they view it as beneficial for them. However, the dominant position of home country delegates can also intimidate employee representatives from other countries.

The findings demonstrate that different actors play key roles in each company: at Swedish-Co it is the WUC Chairman, at German-Co it is the Central Works Council and the IG Metall (national trade union), and at French-Co it is the French employee representatives. They can influence regulatory space due to their organisational role and certain position. This reflects the divergence of the company's trajectories and historic development of employee representation bodies internally in the company. At Swedish-Co the trade union chairman has traditionally played the key role in the company's operations. Indeed, in the early days the trade union chairman of the textile industry was working in close cooperation with the management as the head of the production at Swedish-Co. At German-Co the strong national representation structures play an important role. This could demonstrate how the *Modell Deutschland* (German system of industrial relations, Chapter 5) is having a strong effect on the German-Co GUN. At French-Co French delegates have traditionally dominated the EWC set-up due to their numerical dominance and potentially more established relationship with the management. As the French-Co WWC is a result of the EWC's transformation and extension, it is not surprising they try to keep their dominant position in the global set-up.

9.1.2 National level – 'country effect'

The country-of-origin effect has been addressed in the academic literature on the European Works Councils (Gilman and Marginson, 2002; Streeck, 1998). It is interesting to see whether the same country effect could be outlined for the global worker bodies. In the German-Co case certain aspects of the German system have been transferred to the Global Trade Union Network (GUN).

'So it is important that you understand that connection, because it is a lot of the German system is transported by that. We believe that a lot of the, like European law, they're quite weak, and you need something to if you would like to push those things on an international level, you need to function as a board member to really try to influence the deciding side of the employer.' (German-Co-part. 1)

The GUN promotes cooperative relationship and attempts to extend co-determination traditions to the whole company operations. Anner (2002), for example, argues that unions find it easier to develop networks within a German multinational due to long tradition of partnership and openness of German multinationals. The *Modell Deutschland* provides the institutional foundations for stable and effective actors within global network. The GUN is led by the Central Works Council and the coordinator from the German trade union – IG Metall. Previous research has highlighted the important role work councils at the country of headquarters play in global cooperation (Anner et al., 2006; Helfen and

Fichter, 2013). Works councils devote staff resources to organising meetings and form stable global linkages. Similarly, at German-Co they organised the workshops on the German system of co-determination with trade unions in other countries and regions. However, there is clear understanding that it is not possible to implement the *Modell Deutschland* ‘as it is’ in other countries, where German-Co operates:

‘You can’t take the “German Way” [German model of industrial relations] and put it exactly the same in other countries. You have to find a solution specific to that country. Solutions can have some common ground, but they need to be local.’ (German-Co-part. 3)

Similarly, at French-Co the national tradition of social dialogue plays an important role:

‘I think that we have a very good background on the trade union aspect in [French-Co]. First in [French-Co]. Secondly, in France, where trade unions are active. In the US, for example, it is not the same. That is the reason why I think we have this background, tradition of collective bargaining, having [personnel] delegates - we have this habit. We can make a lot of “noise” and we have a tradition of this. I think we are free to bargain, to choose the trade union. I think this is the reason we have a good International Framework Agreement and a good World Work Council, social way of working.’ (French-Co-part. 4)

However, similarly to German-Co, there is understanding that local issues need to be addressed at the local level. This was discussed in the example of the local dispute in Turkey. Even though the French-Co WWC might have put the pressure on local management to negotiate with the workers, the WWC employee representative from Spain stated that there are few dispute resolution mechanisms at the global level. The Spanish employee representative explained that if the local issue cannot be solved by local management and Human Resources, the regional Human Resources may intervene. If no solution is available at this level, the matter can be brought to the WWC. The WWC can refer to the IFA, as the document outlining company’s commitments and ask global Human Resources and management to intervene. However, the role of the local unions and local management could not be neglected, as they have to take the actions.

At Swedish-Co, the Swedish model of social dialogue also plays an important role. One of the reasons for creation of the WUC was to transfer the local social dialogue tradition to the global level at Swedish-Co. The discussion taking place at the Swedish-Co WUC meetings is smooth, which could be attributed to the nature of Swedish model of industrial relations (discussed in Chapter 5):

'The Swedish model of social dialogue requires a lot of diplomacy. It is less conflict oriented than in many other countries like France or even Germany. If you are a manager in France you need to be tough. The communication between French Works Council and French managers is something a German manager would take you to court. Even I was horrified. So there are these differences, and that's why I think even after all these years some of the international delegates still might have difficulty understanding the Swedish system.' (IndALLGlobal-part. 2 Swedish-Co)

The IF Metall trade union officer acts as one of the advisors for the Swedish-Co WUC and sits on the Swedish-Co steering committee. Moreover, the Swedish-Co WUC consists of members of the local trade unions affiliated to IndustriALL Global. This reflects the main characteristic of the Swedish model – single-channel representation through the trade unions. As there are no employee representation structures at the company level independent of trade unions in Sweden, the global worker body at Swedish-Co mirrors this approach and provides unions with power to send delegates to the WUC meetings.

The findings show that certain aspects of the national model of industrial relations at the country of headquarters are transferred to the global set-up. At German-Co, the interviewees argued that the 'German way' (the *Modell Deutschland* discussed in Chapter 5), i.e. the national system of co-determination, cannot be replicated in other countries due to legal and industrial relations systems differences. However, the spirit of long-term trust cooperation between labour and capital guided the creation of the GUN. The aim of this global worker body is to bring local management and trade unions in different countries closer and initiate the social dialogue. This is done with the support of the Central Works Council and IG Metall, which are the key actors at the national and company levels. At French-Co, the French model of industrial relations, which is characterised by a climate of social unrest and active trade unions played an important role in the creation of a global worker body. The French tradition of social dialogue, encourages employee involvement at the company level and facilitates communication between employees and management. This pre-existing national arrangement can influence the creation of a global worker body. At Swedish-Co, the Swedish model, characterised by single-channel representation through trade unions is mirrored in the set-up of the WUC, where only members of certain trade unions can participate as full members.

9.1.3 European level

The Swedish-Co case study is an example of a company where the global worker body preceded the creation of the European Works Council. Until 2016 there were only World Union Council (WUC) meetings taking place at Swedish-Co. Even though some interviewees mentioned that the EWC was '*included in the WUC meeting*' (Swedish-Co-part. 1), in practice management was hesitant to raise certain topics as there was no confidentiality provision. In addition, no consultation and negotiation

could take place, restricting employee voice. In 2016 the EWC was ‘reactivated’ at Swedish-Co and currently EWC meetings are taking place separately from the WUC.

Comparing the two agreements – the Swedish-Co WUC Agreement (1996) and the Swedish-Co EWC Agreement (1996) – it is clear that the latter is stronger in the coverage of a range of issues. However, the EWC at Swedish-Co is still in the process of development and learning. First, only several EWC meetings have taken place at Swedish-Co (when interviews were conducted in 2018, a second EWC meeting had just taken place). Secondly, the employee representatives are reluctant to raise important topics and ask questions at the EWC meetings.

‘The management is prepared but many delegates are still somehow stuck in the global set-up, as they don’t ask in-depth questions. They are not challenging management – I mean not to start the conflicts – but in order to have discussion over decisions such as future production, future investments etc. The European Works Council would be the place to discuss this with management. But there is not very much input from the employee side so far. They are rather listening to the management presentation and then asking questions related to the presentation.’ (IndALLGlobal-part. 2 Swedish-Co)

Being ‘stuck in the global set-up’ as one of the interviewees puts it, limits the opportunities for employee delegates to ask in-depth questions and use EWC provisions. Another issue with the Swedish-Co WUC Agreement (1996) and the Swedish-Co EWC Agreement (1996) is that they have not been renewed.

‘The problem is that the agreement is not very detailed, but maybe it can’t be detailed because doing things like these requires certain level of trust between management and trade union. At the same time, management at [Swedish-Co] is changing, and soon there will be no one left who remembers what was behind this agreement. I think they should try to put a more detailed agreement on paper.’ (Swedish-Co-part. 4)

At French-Co, the situation is different as the EWC was established in 1993 and was gradually transformed to become a World Works Council (WWC). The French-Co Addendum (2015), which formalises the creation of the WUC at the French-Co, is much more detailed than the Swedish-Co WUC Agreement (1996). The reason for that could be a so-called ‘learning effect’, which Gilman and Marginson (2002:37) in their study of EWCs defined as an effect ‘under which innovatory features of earlier agreements are diffused to later agreements’. This might explain how features of the EWC Agreement have been diffused into the French-Co Addendum (2015), providing a much more detailed and extensive coverage of a range of provisions.

On paper, the French-Co WWC incorporates the functions of three bodies: a WWC, an EWC and those of a 'national group committee' (an institution of worker representation provided for companies with group structure by French legislation, group level works committee). However, interviews revealed the EWC does not meet on a regular basis. The French-Co Addendum (2015) specifies that the French-Co EWC meeting could be arranged only if there is an exceptional draft decision. Instead the steering committee is responsible for 'European questions' at French-Co:

'The steering committee, I would say is the day to day committee for the European questions because we have two people from Spain, one person from Romania, one person from Austria, one from Belgium, one from Slovenia, and four French people. It is more useful to speak about European questions with the committee.' (French-Co-part. 1)

'We only have a steering committee but it does not include all the members. We are only ten but there are other European people. It is my opinion, but I think it needs to be improved. Our European Works Council, it needs to be improved.' (French-Co-part. 4)

'So if you are not on the steering committee, then you are actually not as involved as you probably should be.' (IndALLGlobal-part. 4 French-Co)

This raises the question as to what extent European workers in the two companies – Swedish-Co and French-Co – have information and consultation rights. The EWCs in these two companies can be described as 'symbolic' using Lecher et al.'s (2001) typology. This type of EWC refers to the structure that exists only on paper. At Swedish-Co this might be because European employee representatives are not accustomed to an in-depth discussion and social dialogue with the management. At French-Co, it seems like the actual platform for the European social dialogue does not exist anymore, as it was transformed into the global worker body. Such tendencies could be dangerous for the European workers and their rights.

In contrast, at German-Co the EWC operates separately from the Global Trade Union Network (GUN). In fact, interviews demonstrated that these two bodies are independent of each other. The aim of the GUN is to disseminate and expand the European model of social dialogue outside of Europe. In order to achieve this, the first step is to have local trade union structures, and the role of the GUN is to help local trade unions create them.

In sum, the findings demonstrate different approaches to European level employee representation in the three companies. At Swedish-Co and French-Co, symbolic EWCs have dissolved into global worker bodies. Swedish-Co is trying to re-activate its EWC, while at French-Co only the steering

committee meets on a regular basis. At German-Co, the GUN operates separately to the EWC, which holds regular annual meetings. The findings suggest that to ensure effective operation of European and global worker bodies in the company, it is key to ensure they operate in parallel. The global worker bodies studied cannot replace the European Works Council in these companies, as they do not provide the same information and consultation rights to their members. The question of effectiveness of the global worker bodies is addressed later in this Chapter (section 9.5).

9.1.4 Global level

In all three cases, companies have some form of agreement between the company management and labour at the global level. The German-Co IFA (2012) initiated the creation of the Global Trade Union Network. It also has established the mechanisms for implementation and monitoring (via regional metaclusters). In order to evaluate the impact of the German-Co IFA (2012), it is essential to consider its scope of application. In practice, most IFAs do not strengthen the rights of the European workers, who are already covered by national and European labour law standards through their employment contract. However, for workers in other parts of the world, these agreements may have a political value and have important local outcomes (Wilke and Schütze, 2008). For example, in Chile the German-Co IFA (2012) was used as a model agreement for framework agreement on health and safety at the national level.

'In Chile [German-Co] owns a mining site, so in this mining site there have been a lot of health and safety issues.' (IndALLGlobal-part. 1 German-Co)

'The International Framework Agreement has been very useful for us in Chile, and we believe that it could be even better. By following the model [agreement] in 2014 we negotiated a national framework agreement which established working conditions common to all the workers belonging to the federated unions that were renewed every 12 or 24 months depending on the state of the national and world economy. The last agreement has been in effect since April 1, 2017 and expires on March 1, 2020.' (German-Co-part. 7)

In India, the German-Co IFA (2012) was used as the main tool to allow workers in different sites to unionise:

'The IFA was helpful when we were unionising Goa people. Managers told us: "You cannot become a member of union because you are executive." So what I had done, I have sent management that clause, I think, 2.4. of IFA. It says, "Freedom of association." So I sent that, as well as the Constitution of India. Everybody has a right to form association. But many people don't know all the articles of Constitution. So we said: "Look, the IFA is there and in the IFA it is also mentioned." So,

this is definitely useful instrument, but as you are aware that globally everybody says that the IFA is a toothless means. It is not implemented at local courts. But okay, this is one step forwards, at least you have something to show.' (German-Co-part. 9)

In the USA, after the German-Co IFA (2012) was signed, local management and the local unions signed the neutrality agreement, which outlines that management agrees to support a union's attempt to organise its workforce. Hammer (2005) provides a distinction between 'rights' and 'bargaining' agreements (discussed in Chapter 3). The 'rights' agreements are weaker and outline basic organising rights, while 'bargaining' agreements are much more detailed and ensure monitoring. It can be concluded that the German-Co IFA (2012) is a bargaining agreement. Indeed, it is a detailed agreement that ensures monitoring and compliance, as well as procedures on how to inform the company about breaches of the IFA. However, the company does not necessarily want to fight against national legislation in different countries, which has been specified in a number of interviews. This raises dissatisfaction from non-European employee representatives, who would like to see a more direct 'hands-on' approach from the company at the national level.

At French-Co, there are two IFAs: the French-Co IFA (2013) and the French-Co IFA (2019) (the latter was drafted at the time of data collection). It is important to note that the second agreement does not replace the French-Co IFA (2013). Instead, it is an additional agreement on quality of working life. The French-Co IFA (2013) provides for the annual review of the agreement at the WWC meeting. It also ensures that every three years, the signatories will carry out a global review. However, interviews revealed that there were no attempts to enforce the agreement on local management previously:

'A major difference is that in the first one [agreement] we were only proposing to countries to do it in such way, not asking them, not demanding it. Now all we are going to demand it.' (French-Co-part. 5)

As French-Co was in the process of drafting the French-Co IFA (2019) at the time when the interviews were conducted, it was possible to see how the company tried to ensure common understanding. French-Co communicated to local workers the plans to negotiate a new agreement. After the French-Co IFA (2019) was signed, French-Co arranged follow-up meetings with local management to ensure its implementation.

'The first step we need to ensure that people in the countries understand the IFA – what we are saying and what we intend to do. We asked the local level human resource managers and the members of the World Works Council to check the translation we sent. Because often, when you are negotiating in French you are choosing the very precise words, but when you translate it, it is absolutely not the

precise words. So it is important to ensure we have a common language, it's a common understanding and a common correction of the translation section by section.' (French-Co-part. 5)

At Swedish-Co, there was the Swedish-Co IFA (2003) but it was not renewed. At the time of data collection, there was the Swedish-Co Code of Conduct (2014), co-signed by the WUC Chairman. This led to some controversy. Even though the majority of interviewees referred to the Swedish-Co Code of Conduct (2014) as an IFA, interviewee at IndustriALL Global explained that the document that Swedish-Co has is not an IFA in its traditional sense. The IFA needs to be co-signed by a Global Union Federation (GUF), and should give some provisions to the GUF, such as monitoring. This is not the case at Swedish-Co. Having said that, the Swedish-Co Code of Conduct (2014) is co-signed by the WUC Chairman, which ensures the agreement between the two parties. Using Bondy et al.'s (2004) typology of Codes of Conduct (discussed in Chapter 3), the Swedish-Co Code of Conduct is punitive, as it uses such language as 'will' and 'ensures'. Bondy et al. (2004:454) distinguishes between punitive, principles and commitment Codes of Conduct, based on the tone of language used in them. Punitive Codes of Conduct are quasi-legal tools that ensure compliance across all sites and provide sanctions for non-compliance. Indeed, the Swedish-Co Code of Conduct (2014) includes enforcement and monitoring mechanisms controlled by the WUC. It is important to note that in addition to the IFAs, both French-Co and German-Co have Codes of Conduct too. Their Codes of Conduct have not been signed by employee representatives or any other labour-side actors. The major weakness of such Codes of Conduct is the lack of labour involvement in their design and implementation. According to Bondy et al.'s (2004) typology, French-Co Codes of Conduct (2019) and German-Co Code of Conduct (2019) are commitment codes. They include specific statements with clear formal commitments, but do not outline any sanctions or threat of sanctions for non-commitment. In the case of French-Co and German-Co, interviewees have not referred to these instruments as useful. At best, they acknowledged the fact that their companies have Codes of Conduct. This supports the previous research by Egels-Zandén and Hyllman (2007), who argue that the IFAs are better suited to promote workplace democracy than Corporate Codes of Conduct. Indeed, research suggests that Corporate Codes of Conduct tend to be management driven and do not include procedures for monitoring by the unions (Carley, 2005; Fairbrother and Hammer, 2005; Schömann et al., 2008).

In summary, the effectiveness of the IFA and Code of Conduct depends on the implementation and monitoring by a global worker body. This has been highlighted in the case of German-Co and French-Co, where the GUN and the WWC monitor the implementation of the IFAs. The IFA, thus, can be a complementary measure to a global worker body (Pries and Seeliger, 2013). In the Swedish-Co case, the Swedish-Co Code of Conduct (2014) is an important instrument in the arsenal of the WUC. The IFAs and Codes of Conduct can be used to develop the capacity of the global worker bodies. Global

worker bodies can use the IFAs and Codes of Conduct to strengthen labour standards and workers' rights across all countries of multinational's operation. This becomes particularly important in the case of non-EU countries, where workers are not covered by strong national laws. Findings show there are cases in which IFAs have been successfully used to solve local disputes. The IFAs and Swedish-Co Code of Conduct (2014) help to advance global labour relations at the company level supporting the WWCs, WUCs and the GUNs with organising campaigns and promoting trade union cooperation.

9.2 Formation of the GUN, WUC and the WWC: new regulatory actors

The regulatory space perspective allows analysis of the ways in which industrial relations systems are transformed and how actors involved in these changes respond (Inversi et al., 2017). Thus, the perspective is particularly useful when analysing how the GUN, WUC and the WWC were established. MacKenzie and Martinez Lucio (2005) argue that for a change and realignment of regulatory behaviour to happen, existing mechanisms are either formalised or they are removed by aggressive colonisation of the informal by formal. As such, new actors may enter the regulatory space previously occupied by another actor. This can take place through the process of negotiation or coercion and violent removal of existing actors (MacKenzie and Martinez Lucio, 2005). Table 9.2 demonstrates how the global worker bodies at Swedish-Co, German-Co and French-Co were created and at which levels the process of formation was taking place.

Table 9.2 Formation of global worker bodies (own research).

Global worker body	Process of formation	Levels of formation
Swedish-Co World Union Council	IMF World Swedish-Co Council (Global Trade Union Network) transformed into a World Union Council. The WUC was created in 1995, the Swedish-Co WUC Agreement (1996) signed in 1996.	Global level.
German-Co Global Trade Union network	Creation of a Global Trade Union Network was initiated after the German-Co IFA (2012) was signed by the German-Co General Works Council, IG Metall and IndustriALL Global Union. The Central Works Council created committees in China, South Korea and the US and Canada; IndustriALL Global formed committees in India and South America. Previously existing the World Company Council stopped functioning after its first meeting.	Global level with 'metaclusters' at national level.

French-Co World Works Council	Gradual transformation of EWC into a French-Co WWC. French-Co WWC officially established when the French-Co Addendum (2015) was signed by Comité de Groupe French-Co, IndustriALL European Trade Union, IndustriALL Global, union representatives from major French-Co facilities in Europe and French-Co management.	From European level to global level.
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In the absence of a legal framework, there are different ways in which global worker bodies are formed. In this study three distinctive ways could be identified. First, a World Union Council (WUC) could be established through formalising of a Global Trade Union Network (GUN) by signing an agreement, which transforms the GUN into a WUC. In this study this was the case of the Swedish-Co World Union Council. The IMF World Swedish-Co Council was operating from 1975. However, it was not based on any formal agreement. The meetings were organised only once every two-three years, which prohibited international solidarity and restrained information exchange. As a result, the decision was made to create a formal body with more regular meetings, which was formalised in the Swedish-Co WUC Agreement (1996). This demonstrates how an existing informal body was formalised and thus the regulatory change – the ‘renegotiation of regulatory space’ (Clarke, 2000:25-26) – took place.

Secondly, a World Works Council (WWC) can be established through the gradual extension of the EWC. This was evident in the French-Co case, where an extended EWC was transformed into a WWC in 2015. At French-Co the tradition of holding EWC meetings spilled over to the WWC set-up. In this case, the transformation could be represented in a three-stage process:

1. Non-EU employee representatives from the key locations are invited as observers.
2. Non-EU employee representatives gradually establish their status in these meetings and are given a titular status as full members.
3. An agreement is signed – the French-Co Addendum (2015), which formalised creation of a World Works Council, which takes over the role of the EWC.

In this case, previously informal extension of the EWC was formalised through the French-Co Addendum (2015). At French-Co, the WWC takes over the role of the EWC. However, as previously mentioned, at French-Co the EWC does not meet on a regular basis. Interviews showed that currently there are only WWC meetings and steering committee meetings taking place. In comparison, at Swedish-Co, the EWC was ‘reactivated’ in 2016. A ‘not so new’ regulatory actor – the Swedish-Co EWC is attempting to re-enter the regulatory space monopolised by the Swedish-Co WUC. As demonstrated in the previous section, so far little progress has been made in terms of the EWC re-

gaining its regulatory power. Indeed, even though the EWC Directive 94/45/EC gives more regulatory powers to the EWC (than the voluntary WUC), at Swedish-Co the EWC has not yet developed into a strong actor.

Thirdly, in the German-Co case study the formation of the GUN was analysed. The GUN was created after the German-Co IFA (2012) was signed. The German-Co IFA (2012) addressed the creation of so-called ‘metaclusters’ – national level committees in specific countries or regions. German-Co Central Works Council created committees in China, South Korea and the US and Canada, while IndustriALL Global formed committees in India and South America. In this case, regulatory change was carried out in a negotiated and congenial manner. This was not a simultaneous process, as it took time to get in contact with local trade unions and organise trade union networks in different countries and regions.

9.3 Factors determining the creation of global worker bodies

The various factors that determine the creation of global worker bodies are summarised in Table 9.3. The table distinguishes between four levels at which these factors are taking place: company, national, European and global. According to the regulatory space framework, multinational companies can be viewed as centres of regulation due to their unilateral power. Therefore, when analysing various factors determining the creation of the global worker bodies it is particularly important to look closely at these centres of regulation. Companies can be viewed not only as agents of globalisation, but also as actors that form the spaces, in which new contests over bodies of globalisation take place (Amoore, 2002). The analysis aims to uncover the characteristics of the multinational company that can facilitate the creation of a global worker body, and thus starts with the company level.

Table 9.3 Factors determining the creation of global worker bodies (own compilation).

Level	Factor	Brief description
Company level	Management attitudes	The support of management in establishing and developing global representation bodies (Rüb, 2004).
	Company’s history of social dialogue	Company-specific industrial relations tradition, corporate history and circumstances of the foundation of the global body (Müller et al., 2006).
	Company’s product strategy	Company’s product strategy: homogenous or fragmented (Müller et al., 2006).
	Company’s structure	Company’s organisational structure: integrated or segregated (Müller et al., 2006).

National level	National industrial relations system	National traditions of cooperative industrial relations in the country of headquarters.
	National employee representation structures in the country of headquarters	The existence of strong, legally underpinned national employee representation structures, such as a powerful Central Works Council or national trade union in the country of headquarters.
European level	Regulation of mandated negotiation	Adoption of the EWC Directive 94/45/EC encourages a creation of one global set-up (instead of having two representation structures at the company).
	Established EWC and its longevity	An established EWC which is rooted in the company's industrial relations tradition.
Global level	GUF's strategic aims	GUF's strategic objectives such as its position regarding GUNs and WWCs, and the role they play in their development and coordination (Müller et al., 2006).
	GUF's resources	GUF's ability to organise meetings and support development, which is based on its personnel and financial resources (Rüb, 2004; Müller et al., 2006).
	The agreement guiding creation of a global body	Whether such an agreement has been signed by management: the German-Co IFA (2012), the Swedish-Co WUC Agreement (1996) and the French-Co Addendum (2015).
	Delegate-driven interest and involvement	Employee representatives need to be interested in the development of the global set-up.
	Previous meetings	Existence of previous meetings and other organising activities helps delegates build networks, share information and collectively mobilise.

9.3.1 Company level

The favourable management attitudes can facilitate the formation of a global worker body. In the Swedish-Co case, favourable management attitudes enabled the creation of the WUC and ensured provision of facilities and resources to the employee representatives:

'I think [Swedish-Co] is a company that does have a very special relation [between the management and employees] and that is shown also by having this agreement. That proves something because I think the company is equally interested in this kind of cooperation, not only locally but also globally

because we have this deep understanding of what we need to do together. It's so, so crucial. It also depends on this good relationship from the beginning.' (Swedish-Co-part. 1)

The support of management in establishing global worker bodies has been previously highlighted in the academic literature (Rüb 2002; Steiert, 2009). When analysing the GUN at Nestlé, Rüb (2002) argued that the position of the central management plays an important role. If there is no support apart from informal involvement in meetings, it can hinder the dialogue, which could have led to the establishment of an effective global worker body (Rüb, 2002).

Another company level determinant is company's history of social dialogue. At French-Co, for example, the tradition of social dialogue facilitated the gradual transformation of the EWC into a global worker body. At Swedish-Co it is rooted in the company's history:

'On the top, [Swedish-Co] has a kind of different philosophy to work together to reach the goal. And actually, this could be historic. Back from our founder, in 1907 when he founded the Swedish-Co, he was in the textile industry in Gothenburg. When he founded it, he took the union chairman of this textile industry and put him as the head of the production because he felt that it's good if there is a communication between everyone. And so since then we have a good relationship.' (Swedish-Co-part. 3)

A company's global strategy such as its product strategy (homogenous or fragmented) and its organisational structure (integrated or segregated) determines the way global worker bodies are formed. Homogenous product strategy is evident at French-Co, while Swedish-Co and German-Co have a more fragmented product strategy. Integration and segregation of the company structure is based on the number of divisions or companies in the case of German-Co. Both Swedish-Co and French-Co are organised in two divisions or sectors, and are characterised by a relatively integrated structure. In contrast, German-Co has a segregated organisation structure, which is demonstrated in Table 7.3 (Chapter 7). In companies with a fragmented product strategy, it might be more challenging to establish a World Union Council or a World Works Council, as a forum for employee representation. Fragmented product structures might prevent fruitful dialogue and international union organising (Marginson, 1992), as the nature of products, jobs and industries in which different divisions operate might vary significantly.

'Companies have different ways of operating. Two German multinationals: Volkswagen that has a World Works Council and [German-Co] that doesn't. So, what is the difference? Volkswagen is an automobile company and they primarily produce cars: automobiles. When you go to a different country and different workplaces, the job is almost the same everywhere. Factories are big, so unions

might already have some power to raise certain questions to the management and it is easier to identify issues. On the other hand, [German-Co] has many different divisions: energy, electronics, healthcare. There are different operations and size of factories vary significantly. If we were forced to have a World Works Council at [German-Co], we might have found it difficult to have a fruitful discussion like Volkswagen. So, company operation and the business model should be considered.' (IndALLGlobal-part. 1 German-Co)

This has been echoed in other interviews and a more homogeneous product structure together with an integrated organisational structure might determine the creation of an institutional forum such as a World Union Council or a World Works Council, rather than a flexible network of trade unions, which might better fit companies with fragmented product structure. Interestingly, on the one hand, the findings support this proposition. French-Co is an automobile company with a homogenous product structure and has a World Works Council. On the other hand, Swedish-Co has a much more fragmented product structure than French-Co (but not as much as German-Co), but the company chose to establish a World Union Council, i.e. a forum rather than a fluid network of trade unions. This suggests that company's product strategy is not the only determinant factor.

A company's structure also affects the way global worker bodies are formed. For instance, German-Co is in the process of implementing its Vision 2020+ programme, which is going to change the company's organisational structure into an even more segregated lay-out.

'Because of the complexity of [German-Co], something like the World Works Council wouldn't make much sense. The energy to put it up is one thing, but also the company is changing so rapidly. How do you cope with these changes? In the end, it is all about people. If there are new people all the time, and you have to really invest time and money to get them trained to do their job. Do you have time to train them? From my perspective, we won't go for a World Works Council.' (German-Co-part. 1)

9.3.2 National level

The aspects that determine the creation of a global worker bodies are not limited to the company level factors. Company-level forces interplay with national-level variables. The national system of cooperative labour relations in the country of headquarters can encourage the creation of the global worker bodies. This can be seen in the Swedish-Co case study. In Sweden, two key pieces of legislation were introduced: the 1976 Co-determination at Work Act and the 1987 Act on Board Representation for Employees in Private Employment. The 1976 Act on Co-determination provides unions such rights as information and consultation rights, union recognition and mutual right to organise. The 1987 Act on Board Representation for Employees in Private Employment regulates the rights of workers to elect board members. These reforms promoted industrial democracy in Sweden

(discussed in more detail in Chapter 5), and establishing the WUC helped to extend the co-operative style of industrial relations, which prevailed in Sweden to the global level.

Another important national level factor is strong national employee representation structures in the country of headquarters. This is evident in the German-Co case, where a strong Central Works Council and a national trade union IG Metall negotiated the creation of the GUN. In fact, they signed the International Framework Agreement (2012), which is a document that guides the creation of the GUN. The Central Works Council at German-Co facilitated the creation of regional committees in China, South Korea and the US and Canada. The IG Metall coordinator facilitates the functioning of the GUN, and organises and attends the meetings. It can be argued that the presence of strong national representation structures such as a Central Works Council and trade union could facilitate the employee representatives' ability to build up own networks of contacts.

9.3.3 European level

At the European level, regulatory change from voluntary to for mandated negotiation is an important factor that determines the creation of a global representation body. The imminent adoption of the EWC Directive 94/45/EC encouraged Swedish-Co to create the WUC in 1995. The management actively facilitated the creation of the WUC, acknowledging the predictable need to have a representative body in the company. The Swedish-Co EWC Agreement (1996) was signed in 1996, but the EWC on its own did not exist until 2016. Instead, the EWC was incorporated in the WUC set-up. Some might argue this could be an example of management avoiding the creation of the EWC, which is a much stronger body than a voluntary WUC. However, there are not enough findings to support such a claim. Instead, this study simply suggests that for management it was a rational decision to create one global worker body at the company level (this is further addressed in the Chapter 10 section 10.3).

The findings show that existence of a long-established EWC, which is rooted into the company's industrial relations tradition, can help set up a global worker body. At French-Co, the EWC was established on March 5, 1993. With time it became part of company's industrial relations (not a novel body for both management and employees). Building on the traditions of the company's social dialogue, the EWC membership was gradually extended to invite the observers. This was viewed as a logical step to invite employee representatives from important manufacturing sites outside of Europe. Once all participants became accustomed to such practices, the observers were given full member status and the EWC morphed into a WWC. However, the German-Co case shows that the existence of the long-established well-functioning EWC is not sufficient to determine the extension of its membership and its subsequent transformation into a WWC. The German-Co EWC was set up in 1995, only two years after the French-Co's. German-Co took a different route and established a

separate global worker body – a GUN. Furthermore, there are other multinational companies with long-established EWCs that do not have any global worker bodies. This suggests that an existence of a long-established EWC cannot be the single determinant factor for the creation of a global worker body.

9.3.4 Global level

At the global level, the Global Union Federation (GUF), its strategic objectives and resources play an important role in the formation of a global worker body. The GUF's strategic objectives include such aspects as its position regarding the GUNs, WUCs and the WWCs and the role it plays in their development and coordination (Müller et al., 2006). The findings show that in all three case studies GUFs were interested in the creation of a global worker bodies and actively supported their establishment. Müller et al. (2006) distinguish between autonomous, pragmatic and highly institutional approaches that the GUFs can take in the creation and coordination of global worker bodies. The GUF can take an autonomous approach and run the global worker body separately from the company's management. This means the costs are fully covered by the GUF. A pragmatic approach refers to the situation when the GUF actively invites the company's management to the meetings and convinces it to cover the meeting costs. It is pragmatic in the sense that it is aimed at the gradual institutionalisation of the global worker body to become a company representation forum. The highly institutional approach means that the role of the GUF is limited. Such an institutional forum is based on the bilateral agreement with the company's management, which bears all the costs (Müller et al., 2006). All three case studies follow the last approach. Indeed, GUFs played an important role in the creation of a GUN, WUCs and a WWC, but their role was restricted by other actors. In this study, GUFs were important but far from the only ones who determined the creation of the global worker bodies at Swedish-Co, French-Co and German-Co. In the Swedish-Co case, for instance, the presence of the International Metalworkers' Federation (IMF) helped to create the WUC. However, it was carried out with the agreement of the company's management and the existing IMF World Swedish-Co Council. Swedish-Co retained its close ties with the GUF, and currently an advisor from IndustriALL Global is part of the Swedish-Co steering committee, together with the advisor from IF Metall. At German-Co, German-Co General Works Council, IG Metall and IndustriALL Global Union signed the IFA together with the company's management. IndustriALL Global helped to establish contact with the trade unions in different regions and created networks in India and South America. At French-Co, IndustriALL coordinator is only involved in the preparatory meeting (without the management) and the two days of meetings on the International Framework Agreement. IndustriALL Global is not allowed to participate in the actual plenary sessions with the company's management, which can take up to three days. This demonstrates that the role of the IndustriALL Global is restricted as its coordinator does not participate in the actual WWC meetings. In summary, the role of GUF varies in the case studies but in general is limited to the advisor/coordinator role.

Another global level factor that facilitates the establishment of a global worker body is the existence of an agreement that guides its creation. Such an agreement sets out the main provisions, the composition of the body and support provided by the company. At French-Co, the French-Co Addendum (2015) formalised the creation of the WWC. At German-Co, the German-Co IFA (2012) was such document, which explicitly outlines the creation of the GUN. At Swedish-Co, the Swedish-Co WUC Agreement (1996) formalised the creation of the WUC.

Workers have the capability to influence regulatory space at the global level. Their ability to do so depends on their organisational role (employee representatives, trade union officials) and the resources available to them (information, contacts with management, communication channels). If workers are able to collectively mobilise and network, they can facilitate the creation of a global worker body, or in the case of Swedish-Co, replace an ineffective existing body with a new one. In the Swedish-Co case, employee representatives were participating in the IMF World Swedish-Co Council meetings, where they discussed global developments in the company and the information provided by management. The IMF World Swedish-Co Council served the role of the communication channel between the workers as well as between management and employees. Through their organisational role as delegates and utilising the resource available (information gathered at the meetings, contacts with the management and other delegates), employee representatives at Swedish-Co were able to network and exercise their collective power to encourage management to create a global body with more regular meetings and larger membership. Existence of the previous meetings at Swedish-Co helped employee representatives build the networks, communicate with other delegates and gain access to such resources as company information, its strategy and future plans. Existence of previous meetings and other organising activities across borders gives employee representatives an opportunity to build networks, communicate and share information, which can help them to collectively mobilise.

This was also the case at French-Co, where employee representatives were able to facilitate the extension of the EWC to the WWC. Employee representatives need to be interested in the creation of a global worker body at the company. This could also be seen at German-Co, where trade union representatives actively participated in the creation of the GUN 'metaclusters'. In his research, Rüb (2002) argues that participant-driven networking and communication are key for the development of the global worker bodies. He argues that if there is no participant-driven networking and communication, the members are unlikely to take steps to further the development of the global worker body, despite realising the usefulness of information provided (Rüb, 2002).

It can be concluded that delegate-driven involvement and their interest in the creation of a global worker body are important factors that determine its creation. In addition, previous meetings could

facilitate the participant networking and communication, which is important for employee collective mobilisation.

Instead of highlighting the role of one specific factor, it is important to explain that the interplay of different factors at different levels facilitates the creation of a global worker body. For example, at Swedish-Co the history of social dialogue and the Swedish traditions of cooperative industrial relations provide a good basis for social dialogue between employees and the company's management. The support of the IMF and involvement and interest of delegates in the global worker body further reinforces it. Employee representatives are able collectively mobilise and network at the global level (through the existing the IMF World Swedish-Co Council), in order to request management to create a WUC. Management in turn has a positive attitude towards such bodies and is aware that the company is required to create an employee representation structure under the EWC Directive 94/45/EC. From their perspective it is rational to establish a global worker body – the WUC – instead of having two separate bodies at the company.

At French-Co, homogenous product strategy coupled with the integrated organisational structure, long company history of social dialogue and the French traditions of company-level employee representation provide a good background for the set-up of a global worker body. Furthermore, long tradition of having an EWC (established in 1993), gives employee representatives a platform to network and have information exchange between employees and company's management. This promotes cooperation and networking between countries. Having a formal agreement that guides and supports the extension further facilitates the gradual transition of an EWC into a global worker body at the company level.

At German-Co, the existence of strong, legally underpinned national employee representation structures, such as a powerful Central Works Council and trade union IG Metall helped to facilitate the creation of a global worker body. The German-Co IFA (2012), which guides its formation and acknowledges the role of the Central Works Council and IG Metall, supports this process. Positive management attitudes and their interest in creation of a global worker body facilitated its development. Furthermore, fragmented product strategy coupled with segregated company's structure determined the creation of a fluid network of trade unions based in different countries and regions rather than an institutionalised forum like the WWC at French-Co.

The findings show these factors are institutionally conditioned and depend on company, national, European and global level circumstances. The interplay of factors is specific to each case study. This supports the view that the regulatory space is both multi-level and multi-dimensional, with vertical and horizontal factors influencing the ability of such actors as a GUN, WUC and the WWC to utilise

resources to occupy it. Previous research on regulatory space has acknowledged that. MacKenzie and Martinez Lucio (2005) argue that factors affecting change at one level are better understood by assessing the complex interactions of actors across other levels. They further outline that these levels and actors do not operate in isolation from one another. Instead actors have linkages and their levels of operation may overlap. This is particularly important for this study, where different levels of regulatory space are interconnected. The occupancy of the regulatory space at the global level is understood through the complex interplay of company, national, European and global level factors.

9.4 Functioning

Looking at the functioning of the global worker bodies in the three case studies, it is possible to identify certain factors that constrain effective operation of these bodies. These factors include language barriers, national differences between employee representatives (identity), lack of trust and solidarity between employee representatives, management attitudes and quality of information provided and focus on process (day-to-day activities).

9.4.1 Language

One of the topics that appeared in the interviews is language support. In all three cases companies provide formal language support, but the degree of support varies across cases. At Swedish-Co, there is interpreting in the annual meetings of the WUC and EWC meetings (where they are taking place). Swedish-Co provides English training to all the WUC members. At French-Co, there is interpreting in the annual meetings of the WWC. Training in English and French is available to the steering committee members, but could be provided to other WWC members subject to management approval. At German-Co, interpreters are available for the GUN meetings and the EWC meetings. There are no language training provisions for the GUN members.

'It is like the United Nations. Everybody has a headphone and everybody is speaking in their native language. It is very important to have the opportunity to speak in your mother tongue. Because when you are talking about social topics, you are not only talking about facts, you are also talking about feelings. It is possible to explain what is really going on. So, we do not have to be restricted by our knowledge of foreign language.' (French-Co-part. 1)

However, it is difficult to assess whether delegates understand fully what is shared at the meetings due to the shortcoming of the interpretation and whisper interpretation.

'I don't have problems to understand the speakers from management, but I have problems sometimes to understand my colleges that they try to speak English' (Swedish-Co-part. 5)

Findings also show that employee representatives find informal meetings with their counterparts important. For example, in the French-Co case the practice transfer was evident between delegates from Spain and Argentina regarding the Competitiveness Agreement. These delegates speak the same language, Spanish, which could have facilitated communication outside the formal meetings. However, if delegates cannot communicate outside of the official meetings due to language barriers, it could limit information exchange, transfer of best practices and establishment of the contacts across countries. Indeed, research on EWCs has indicated that language barriers can separate people and lead to a regionalisation of identity, which is a situation when most contacts happen inside regional clusters of communication that share the same language (Andersson and Thörnquist, 2007). This has been evident in the case of French-Co between employee representatives from Spain and Argentina. Another example was shared by a Spanish EWC employee representative, who had to translate the German-Co IFA (2012) into Spanish for colleagues in South America (later they created the Coordination Committee of German-Co in South America), as they were not familiar with the IFA and its content. This example demonstrates the importance of informal interaction, which tends to happen mainly between the employee representatives who speak the same language.

'Language could be an issue. Of course, we provide the interpreters, but if you are not able to talk outside the official discussion, it is difficult. In the formal meetings, it is not the same discussion as you can do in one language.' (German-Co-part. 3)

9.4.2 National differences and global identity

Even if language barriers are overcome, there are cultural and national barriers. Employee representatives come from countries with different industrial relations systems and representation structures. This includes not just legislation but also informal practices, for instance regarding meetings between managers and employee representatives. This could create conflict between employee representatives from different countries due to limited understanding of the different national systems and cultures. The differences are particularly apparent between European and non-European delegates. Moreover, the ways, in which delegates try to pursue their interests, vary significantly. Findings showed that some employee representatives tend to discuss their local issues such as salaries, working conditions while other employee representatives (particularly from the EU) would rather focus on strategic decision making. Presumably EU employee representatives are used to employee representation structures that have a wider (and possibly more strategic) reach than their non-EU colleagues. There is indeed some frustration from European colleagues who would rather discuss more advanced topics. Thus, different views on the purpose of the global worker bodies can create barriers for creation of common global identity.

'I believe people who are coming from different countries bring their local problems. They can't find a solution at home and they attend the meetings hoping to find a contact to the company management in Germany.' (German-Co-part. 3)

This view was shared by all the EU employee representatives at German-Co and French-Co. At Swedish-Co, this concern has not been raised by the EU employee representatives. However, the company management argued that the local issues should be discussed at the local level, and not in the meeting of a global worker body.

'People come to the global meeting and don't understand themselves as global delegate but rather as "I am German or American or Mexican" in the global set-up. This is a learning process that will never end. So they come up with questions like "When is an investment going to be made in our country to get this new technology?" It is understandable, because if country representatives do not have direct access to the management and now they have a chance to address the CEO – why not!' (IndALLGlobal-part. 1 German-Co)

National differences also explain limited informal communication between the delegates from different countries:

'We do send emails from time to time [to delegates from other countries] but rarely. It's because mentality is different. There is Russian and non-Russian mentality, the issues are different.' (French-Co-part. 2)

National differences and perceptions of the employee representatives, as well as ways in which they achieve their interests relates to the issue of multiple identities that employee representatives have. This has been discussed in the academic literature on EWCs. Huijgen et al. (2007) argue that, as representation body, the EWC brings together employees from different parts of a company and from various countries, which results in them having different interests, ideas and ideologies, and diverging attitudes towards its role and functioning. This means in the EWC each employee representative may wear multiple 'hats' at any one time (Timming and Veersma, 2007) and culture-based and national identity may be prioritised over common European identity. It has been demonstrated that only in rare cases employee representatives were able transcend their interests and create common European identity (Whittall et al., 2009; Bicknell, 2007). It is an exception rather than the rule. To foster common identity, frequent communication is key. In order to reinforce regular and open communication, the information and communication technology can be used (Whittall et al., 2009). Furthermore, informal contacts and open mind for cultural differences are important (Huijgen et al., 2007). To achieve this formal training and informal learning, which requires active interest and

participation of delegates, are helpful to foster cultural awareness and better understanding of national differences (Telljohann, 2007).

It comes as no surprise that for global worker bodies this issue becomes even more pressing. The competing national interests may inhibit creation of the common global identity and development of the global worker body. With regards to ways of overcoming this, all three companies provide translation and interpretation facilities. Interviewees mentioned that they find interpreters helpful, but these are available only for the formal meetings such as the annual meetings of the global set-up, EWC meetings (where they are taking place) and steering committee meetings. This makes informal contacts, which are key for making personal contacts and building relationships, difficult.

Furthermore, when conducting interviews, it was clear that not all employee representatives could freely speak in English. This can be a significant challenge for effective functioning of a global worker body. This can lead to clusters of communication (Andersson and Thörnquist, 2007), a situation when communication and informal contacts take place only between the employee representatives that speak the same language. Swedish-Co provides English training to all the WUC members. At German-Co there are no such provisions. At French-Co, training in English and French is available to the steering committee members, but could be provided to other WWC members subject to management approval. At French-Co specific integration training is organised for the new employee representatives. It aimed at improving the employee representative's knowledge of the company and its economic, social and cultural environment, as well as with their knowledge of the practice of social dialogue at the global level. Swedish-Co and German-Co do not provide such training and participants mentioned that having the right training is important to fully understand the information shared at the meetings:

'The information is very, very important. I'm not sure if all of us have the education to understand this information, to analyse this information.' (Swedish-Co-part. 5)

Lastly, all three companies provide employee representatives with access to the company intranet, which facilitates communication and interaction between the meetings.

9.4.3 Trust and solidarity

Lack of trust between the employee representatives from different countries is another factor that can constrain effective functioning of the global worker bodies. Lillie and Martínez Lucio (2012) argue that there is lack of reciprocity between employee representatives from different countries, as they cannot trust their colleagues and are never sure they will follow suite. The lack of trust and solidarity can be explained by cultural and national differences between delegates and lack of communication due to language barriers, discussed in the previous section. Norms of international solidarity that can

develop organically from common experiences of suppression are, in fact, tied to national identity (Lillie and Martínez Lucio, 2012).

'When I first came to the WWC meeting, everyone looked at me suspiciously. They were looking at me and waiting. [...] Well, it's no secret how Europe views Russia.' (French-Co-part. 2)

Findings from the French-Co case study show that there are some concerns that human resource managers could have been nominated by the management and sent to participate in the WWC meetings as delegates. Some participants expressed unhappiness, as for them it raises questions as to whether these delegates have the skill to represent the workforce. Moreover, they can have *'a very different point of view and mindset'* (French-Co-part. 4) to those of other delegates, as one of the interviewees explained. Moreover, the competing agendas as well as different roles played by the local representation structures may limit solidarity. This has been mentioned in the Swedish-Co case study:

'I wouldn't say there is no solidarity between the unions, but it's very, very loose, because unions in the different parts of the world have totally different tasks. And to your question as whether we can strengthen it? It is difficult because in Europe, they are sitting on the supervisory board, they are part of the strategy making and they have full-time union roles. In other parts of the world, when you go to Malaysia or somewhere else, they work full-time, they work shifts and just maybe look for a senior position and that we pay overtime in the correct way. There are different tasks of the unions and what's why it is difficult.' (Swedish-Co-part. 3)

At German-Co there is also lack of cooperation between regional metaclusters of the GUN. This creates the divide between 'us' and 'them', which leads to comparisons – 'are we better off?'

'It is a good exchange of thoughts, that these were people from Chile, they were mentioning some problems at that time. We can compare, where we are standing and where they are standing. So sometimes we can think: "Yes, we are better off". Sometimes we can think: "Yes, this is the information, so we should go towards this level".' (German-Co-part. 9)

This can be explained by the nature of the German-Co GUN. At the time of writing, there was only one global meeting of all regional metaclusters at German-Co (Munich meeting in 2018). All other meetings are taking place regionally, in which only employee representatives from a particular region take part. Such an approach hinders cooperation and solidarity between delegates from different metaclusters due to lack of internal communication. Lack of trust could be overcome with time through informal meetings, cooperation and building networks. Cooperative relationships and mutual

trust are the result of learning and experience, which very much depends on time and quality and patterns of both formal and informal interaction (Huijgen et al., 2007).

9.4.4 Quality of information provided by the management

The quality of information provided by management has a significant impact on global worker bodies (Steiert, 2009). As discussed in Chapter 2, employer opposition and lack of information are key obstacles to international trade unionism (Gordon and Turner, 2000). In the three company cases analysed, management has favourable attitudes to the global worker bodies and supported their creation. However, interviews demonstrated that the quality and range of information provided by management could be improved in all three companies. Even though interviewees were happy with the information shared and found it helpful, they indicated that there is room for improvement. When asked about the ways of further developing their global worker body, they outlined that more information could be shared by the management. However, respondents indicated that sometimes it is not possible to cover all the topics in the time provided. The global meetings take place during four days (Swedish-Co), three-four days (French-Co, but could be up to a week with the site study visits) and five days (German-Co global meeting in Munich) periods, which sometimes is not enough to provide, express and share the information on all the topics.

Regarding the timeliness of information, only at German-Co did respondents outline that information was shared with insufficient notice, providing limited opportunity for discussion prior to the meetings. Therefore, the information should be timely, allowing sufficient time to address it and prepare for discussion. In the other two companies, interviewees did not report such issues.

Another interesting finding is how management may use these global worker bodies to communicate company messages concerning corporate values ('this is the French-Co way'), branding and even to facilitate restructuring (Vision 2020+ in the German-Co case). In the Swedish-Co case, the Swedish-Co annual report (Swedish-Co Group, 2018c:137) states: 'Swedish-Co's setup with the World Union Council is seen as a great competitive advantage for addressing and deploying global initiatives'. Managers have used these global worker bodies as a potential human resource management instrument in order to foster communication with employees and promote company values. Findings showed how the GUN, the WUC and the WWC are used for cascading information top-down across different locations, as well as bottom-up for bringing local issues to the attention of central management.

9.4.5 Process vs progress

The GUN, WUC and the WWC are complex global worker bodies that involve a lot of effort from employee representatives, chairpersons and coordinators to make them function properly. However, it seems likely, at least at this point in their development, that focus on process militates against progress on substantive issues. For example, at Swedish-Co only unions affiliated to IndustriALL Global can send delegates to the WUC. Following these procedures closely limits opportunities for all unions and all company sites to be represented at the WUC. It also requires a lot of monitoring and communication to ensure that the unions are affiliated to IndustriALL Global. An example comes from the Swedish-Co plant in Tver (Russia). Even though the WUC Chairman knows that the site is unionised they do not have any contacts. At the time when the interviews were conducted, the plant had been operating under Swedish-Co for six years, but no contact had been established.

'To step in just after the factory has started is not a good thing to do. We need to give them time to settle down. Then when the time is right, then we should try to approach them slowly, have a discussion with the local management as well as the local union. And then from there, see how we can take it to the next step and the next level. So that is the journey, so to say. This is something that is constantly ongoing.' (Swedish-Co-part. 1)

The substantial focus on the day-to-day operation of global worker bodies constrains the progress on more specific issues due to the limited financial, time and personnel resources. Another example comes from German-Co. German-Co Central Works Council was using its resources to create regional committees in China, South Korea and the US and Canada. However, IndustriALL Global had to step in and form committees in India and South America, as the Central Works Council did not have the resources to go to these regions at that time. As explained by IndustriALL advisor for the German-Co GUN, it was taking too long to establish these metaclusters, so IndustriALL had to step in. In all three cases a choice had to be made whether travel to a specific country was required to gather information and solve local disputes. Going to a particular country or organising a meeting for a particular region (e.g. the GUN metacluster meetings take place on alternating basis; French-Co learning sessions take place annually in different countries) shifts focus from other regions and countries that might need equal support and involvement.

9.5 Effectiveness

This study attempts to analyse to what extent any of the global worker bodies such as the GUN, WUC and the WWC are effective in facilitating meaningful employee voice. In Chapter 1 it was explained that effectiveness (or ineffectiveness) of the global worker bodies is conceptualised by such concepts as 'robustness' or 'shallowness' of employee voice (Oxenbridge and Brown, 2004). 'Robustness' or 'shallowness' of employee voice is based on key four characteristics: level, form, degree and range of

employee voice (Marchington et al., 1992:7). The study in particular focuses on the ‘degree’ – the extent to which employee representatives can influence decision making. The ‘degree’ measures whether global worker bodies provide information (one-way), communication (two-way) or establish consultation, co-determination and employee control. The ‘degree’ is plotted on the escalator of participation adapted from Marchington et al. (1992:7). However, as explained in Chapter 1 even representation structures with a more consultative role may not have any real power over the decision-making and be merely involved in it. To illustrate this Blyton and Turnbull (2004) refer to the case of the Vilvoorde plant, where the EWC was not consulted on such crucial matter as the plant closure. Thus, to better address the ‘degree’ of employee voice and explore power issues associated with employee voice, Hyman’s (1997) autonomy, legitimacy and efficacy is applied.

Level refers to the hierarchical level in a company at which body operates. All global worker bodies are positioned at the global level. Form refers to the direct (individuals or small groups) or indirect (via employee representatives) forms of voice. The GUNs, WUCs and the WWCs are indirect forms of employee representation.

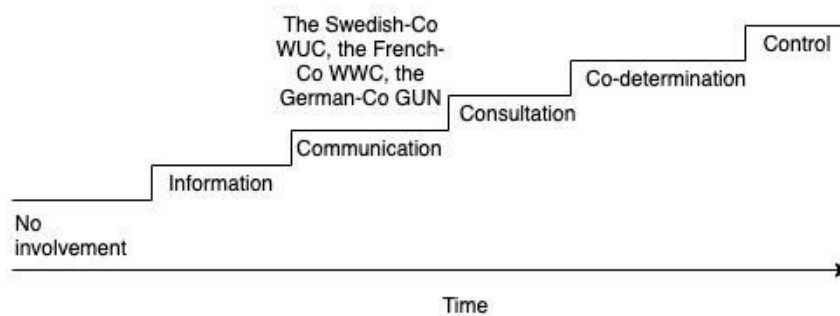
Range is the variety of issues on which employee representatives have a say. Due to absence of a labour regulation system at the global level, the quantity and quality of information shared depend to a large extent on management goodwill. The main topics, on which management reports, vary across cases but can be summarised as company structure, economic and financial situation, future developments, investment plans, and their potential impact on employment. Overall, the tendency is for management to focus on global topics such as company agreements (the IFA and the Code of Conduct), digitalisation, health and safety, and flexible working, while employee representatives tend to emphasise their local issues, such as wage conditions, problems with the local management, shortage of skilled workforce etc. This demonstrates a mismatch between capital, which is global in its reach, and labour, which remains to a large extent local. It demonstrates the inability of employee representatives to present their local problem as a global issue.

‘This is actually what many colleagues miss, what they lack is this capacity to really present a topic as a global topic in a global environment. And I see also more and more managers who actually ask me after the meetings, I mean, why do we have these meetings, if your colleagues are not able to present it as global? And of course, management, for them it’s much easier, right? Because they are global already, they speak one language. So, I understand the difficulties.’ (IndALLGlobal-part. 4 French-Co)

Degree refers to the extent to which employee representatives share decision-making with management. As outlined in Chapter 1, the degree is measured on the escalator of participation

(Marchington et al., 1992:7). The escalator of participation has been modified to include one extra stage – ‘no involvement’ (based on Blyton and Turnbull, 2004:255) and add the time progression. Thus, the degree can range from no involvement, information (being informed by management, i.e. one-way), communication (two-way), consultation, co-determination, to some form of joint or employee control.

Figure 9.1 The current state of development of global worker bodies in three case studies (based on Marchington et al., 1992:7 and Blyton and Turnbull, 2004:255).



Global worker bodies in this study are at the communication stage, where they facilitate communication between employee representatives and management and between the employee representatives. They have passed the information stage, where the employee representatives are informed by management and operate as two-way communication bodies. Figure 9.1 also suggests that with time and learning experience, they might move to a more consultative role. However, as Ramsay (1980) identifies co-determination (rather than consultation) is the key step at which a true participation occurs, while all stages to the left of it (Figure 9.1) present ‘pseudo’ or ‘phantom’ participation. For global worker bodies this could be a step forward, which will allow them to be more involved in decision-making, despite that the management having control over the final decision (Sisson, 2012). One of the interviewees expressed hopes that in the future consultation could be possible:

‘I think is possible to have not only information, but some things should be in consultation mode. I mean to have all the information that we can get on global changes. For example, maybe a plant is going to be closed. I think it could be very important to have something to say okay, you want to close this plant, but these are the conditions of the World Work Council and we think that you need to make this before you can do that. But at the moment we are not consulted, we are just receiving information.’ (French-Co-part. 3)

This raises a question to what degree delegates and global worker bodies have autonomy, legitimacy and efficacy (Hyman, 1997). **Autonomy** refers to the independence of the voice mechanism from management. In Swedish-Co the agenda is set up by the WUC steering committee. In contrast, at French-Co the agenda is set up by management in consultation with the WWC secretary. The WWC members are allowed to send questions. In German-Co the agenda for both regional and global meetings is set by the negotiating team of the Central Works Council and the coordinator from the IG Metall (in consultation with the delegates from the GUN metaclusters). However, as it has been discussed in section 9.4.4, the quality and range of information provided by management needs to be improved in all three cases. In addition, management has used global worker bodies to promote company values ('this is the French-Co way'), facilitate restructuring (German-Co case) and 'address and deploy global initiatives' (Swedish-Co). These corporate culture initiatives are good examples of Lukes' (1974, 2005) third face of power (ideological power) used to ensure that employees accept management-led initiatives.

Autonomy can also be expressed by representatives' direct challenges to senior management in openly confronting, constructively criticising and debating decisions (Hyman, 1997). As the case studies demonstrate, employee representatives tend to view global worker bodies as forums to receive information rather than a place to challenge management views.

'We have these learning trips, but the agenda is mainly, I'd say 80%, made up by management. So, they [employee representatives] go to a country, and then they're just like little ducks walking after their mother, and then go from one meeting to the next. I think this is a missed opportunity. And the learning session is just one example.' (IndALLGlobal-part. 4 French-Co)

The relative lack of autonomy of global worker bodies could be a threat to **legitimacy** of employee representatives (Whittall and Tuckman, 2008). Indeed, the second face of power (Lukes, 1974, 2005) explains how some actors may prevent certain issues being discussed in the first place. For example, in German-Co case, after the decision to initiate restructuring ('Vision 2020+' discussed in Chapter 7) has already been made, the employee representatives were informed about company plans and invited to ask questions on how the company intends to proceed with this decision. In all three cases legitimacy to act on behalf of constituents is undermined by lack of global identity. Employee representatives do not view themselves as global delegates, instead they consider themselves representing their country in the global set-up, which leads to national comparisons and questions about local issues.

In many instances, the employee representatives do not use the opportunities available for them to ask questions and engage in a more in-depth discussion with the management. This hinders the legitimacy

of the global worker bodies, defining their function as receiving information instead of participating in the decision-making and strategic planning. For example, in the Swedish-Co, the WUC members tend to avoid raising difficult questions:

‘There is almost no conflict, which is a little bit disappointing. I think it’s a little bit too quiet sometimes that people don’t really like to ask questions, the hard questions that they really need to ask, like restructuring or digitalisation.’ (Swedish-Co-part. 4)

In Swedish-Co and German-Co legitimacy was influenced and assisted by organisational position and power of the WUC Chairman (in the Swedish-Co) and the negotiating of the Central Works Council and coordinator from IG Metall (in German-Co case). In the case of German-Co the negotiating team of the Central Works Council are members of the supervisory board. Together with the IG Metall coordinator they provide unions with up-to-date information. The connection with IG Metall and Central Works Council shapes the legitimacy of delegates from GUN metaclusters to act on behalf of the employees. This ‘boomerang pressure’ (Silvia, 2018:1,24) from foreign involvement allows delegates to ‘import power’ and ensure they receive accurate and up-to-date information.

‘We keep in touch with the IG Metall regarding the new things happening at the company, because [German-Co] is a very dynamic company and many things change, sometimes month from month. In that case, the gentleman from the IG Metall gives us authentic information.’ (German-Co-part. 9).

In Swedish-Co the WUC Chairman is main point of contact for local unions that can contact him via the company intranet. Legitimacy to act on behalf of employees is assisted by the WUC Chairman’s role as a member of the board of directors.

Legitimacy of global worker bodies is augmented by the outcomes delivered by the employee representatives. This is linked to efficacy, the ability of global worker bodies to produce desired outcomes for employees. Indeed, in practice employee representatives in all three cases were able to ‘deliver the goods’ (Hyman 1997). In Swedish-Co case, it can be illustrated by unionisation of the plant in the Czech Republic, where a collective agreement was negotiated between management and the national trade union (OS Kovo). This agreement improved working conditions at the plant as well as increased the base hourly wages. In the French-Co case, legitimacy is augmented by how employee representatives were able to solve the local conflict in Turkey. The issue was raised in the WWC meeting and the employee representatives requested the information from all parties involved in the local conflict. The WWC was able to utilise the IFA to solve the conflict. The WWC helped in implementing the Competitiveness Agreement in Argentina, which facilitated the dialogue between the local management and employee representative from Argentina and essentially prevented the plant

from closing down. In the case of German-Co, efficacy is evident in the example from the US, where a neutrality agreement was signed, despite a series of union busting incidents at a number of sites. Reaching the agreement facilitated local dialogue between employees and management, information exchange and unionisation. In India, in a number of production sites settlements were reached and the local union has been recognised as a social partner based on the German-Co IFA. As a result, local issues with regards to the workers' rights violations and precarious work in India were resolved.

As explained earlier in this Chapter, there were numerous factors which hampered the **efficacy** of global worker bodies. This includes language barrier, which leads to creation of clusters of communication (Andersson and Thörnquist, 2007) and lack of informal communication outside of the official meetings. There is lack of common identity as global employee representatives, which was particularly apparent between European and non-European delegates. Some employee representatives tend to bring local issues to the discussion, such as working conditions and salaries, while other delegates, predominantly from the EU, would rather focus on more advanced and possibly more strategic topics. Lack of trust and solidarity leads to comparison of 'us' against 'them', which hampers the efficacy of the global worker bodies. Moreover, limited financial, time and personnel resources constraint the operation of global worker bodies. In this context delegates are forced to prioritise the day-to-day operation of the global worker body over further progress and development such as the extension of membership. Management attitudes and timeliness of information can influence efficacy of global worker bodies.

However, Hyman (1997:311) explains that the matter of efficacy needs 'to be viewed as relative to what is potentially attainable'. Global worker bodies operate in the absence of a legal framework underpinning their operation (in contrast to the EWCs, for example) and are relatively new forms of global employee voice. Examples from the Czech Republic, Turkey, Argentina, the USA and India show that global worker bodies were able to 'deliver the goods' (Hyman, 1997) at national level. Global worker bodies set minimum standards across all company sites (through the IFA monitoring and implementation), support local trade unions with unionisation campaigns and improve international cooperation between trade unions, which facilitates informal communication and transfer of best practice.

Table 9.4 Summary of autonomy, legitimacy and efficacy in three cases (based on Hyman, 1997).

	Autonomy	Legitimacy	Efficacy
Swedish-Co	Management provides information; Range and quality could be improved;	Almost no conflict in the meetings; Representatives do	Unionisation of the plant in the Czech Republic;

	Management communicates company messages; Agenda set up by WUC steering committee.	not ask questions; Lack of global identity; Assisted by the organisational power and status of the WUC Chairman (member of the board of directors).	
German-Co	Management provides information; Range, quality and timeliness could be improved; Management communicates company messages; Agenda set up by the negotiating team of the Central Works Council and IG Metall coordinator.	Lack of global identity; Assisted by the powerful negotiating team of the Central Works Council (members of the supervisory board) and the IG Metall coordinator.	Neutrality agreement in the US; A number of settlements reached in India, local union recognised as a social partner based on the IFA.
French-Co	Management provides information; Range and quality could be improved; Management communicates company messages; Agenda mainly made up by management (CEO of French-Co determines agenda) but WWC members send questions.	Not the council to make decisions; Lack of global identity.	Solved conflict between two trade unions in Turkey; Competitiveness Agreement in Argentina.

This is how an interviewee summarised the essence of the global worker bodies studied:

'We don't take decisions. We are not a council to take decisions. We receive information. This information, we use it to inform people from all countries to better understand how the company works. We also inform the management on how the company is going from a world point of view: employees we are hiring or issues we are having in each country. It is mainly that information, exchange of information between management and representatives. Then you might ask what kind of information? Mainly the information that could directly affect the workers of the company. By that, I mean working conditions, security, it is very important. The information that can change the way we

work. If there is a major change in engineering, for instance, we have the information on how it is going to be done. We have the information about how the market is acting, the finance of the group and what to expect in the [upcoming] years. ' (French-Co-part. 3)

Other studies have demonstrated that some global worker bodies transcend their role as communication only forum. In contrast to the findings of this research, these studies demonstrate that some WWCs have developed into more 'robust' forms of employee voice and taken the consultation role. For example, the WWC at DaimlerChrysler (currently a WWC operates at Daimler after the company has separated) was able to block an attempt by the group management to shift production to Germany and Brazil after a strike in the South African operations (Wick, 2005). Müller et al. (2005) in their study, demonstrate that the WWC at Volkswagen is even more developed than the one at DaimlerChrysler. Steiert (2001:125) argues that the Volkswagen WWC marks 'a qualitative step forward'. In addition to communication provision, the WWC at Volkswagen recognises the right to consultation (Steiert 2001). Rüb (2002) illustrates this with the case of Brazil, when in national economic crisis the Competitiveness Agreement has been negotiated to introduce a four-day working week with loss of pay and an early retirement scheme, in return for a five-year employment guarantee for the workers. Rüb (2002) argues that this agreement was made possible due to high level of personal trust, clear communication and support provided by German colleagues. This demonstrates two important points. First, there are examples of the global worker bodies that provide more 'robust' employee voice through consultation rights, formally accepted by management. However, as discussed in Chapter 1, securing the consultative role does not always lead to effective consultation. Consultation often takes place after the decision has been made by the management, which leads to management 'selling' their preferences rather than consulting employee representatives over them (Blyton and Turnbull, 2004). This refers to what Sisson (2012:186) called the 'decision-based' consultation. Secondly, for the global worker bodies to develop into bodies that provide meaningful employee voice, they need to develop close mutually supportive relationships with other actors of regulatory framework. The second point is discussed in more detail in the section 9.7.

Findings suggest that the German-Co GUN, Swedish-Co WUC and the French-Co WWC are less effective at the global level, where they provide more transparent information, improve understanding of the company and its plans for the future and facilitate communication. Examples from the Czech Republic, Turkey, Argentina, the USA and India show that global worker bodies have more significant impact at the national level. It is clear that the impact of global worker bodies depends on the country and its national system of industrial relations. Therefore, it is necessary to distinguish between employee voice outcomes for European workers and those for non-European workers. For the European workers, especially those coming from countries with strong national representation structures, the positive outcomes are limited. It has been mentioned in the interviews with European

employee representatives that more could be done at the European level. Furthermore, in the instances, where a global worker body has replaced an EWC, there is, in fact, deterioration of social dialogue at the European level, as EWCs are limited to rudimentary forms. This study suggests that creation of global worker bodies should run in parallel with the EWCs and not replace them. Positive outcomes tend to be concentrated in the non-EU countries with less developed national representation bodies (an exception is the Czech Republic, an EU member state, where the Swedish-Co WUC facilitated unionisation of the Swedish-Co plant). The impact of global worker bodies is particularly striking in Argentina, the Czech Republic, India, the US, and Turkey. In this instance, the pressure coming from the global level can help facilitate discussion between local management and local unions. In countries, where national structures do not provide sufficient protection for the employees, the effect of the global worker bodies is more significant.

As it has been discussed in this section, global worker bodies facilitate information exchange in the companies studied. However, despite being confined to communication stage, global worker bodies studied were able to produce positive outcomes for employees. By applying Hyman's (1997) dimensions of employee representation, more emphasis is placed on 'effectiveness' of global worker bodies and their outcomes for employees. At the national level, global worker bodies have more significant impact in countries with less developed national employee representation bodies. As it has been demonstrated with examples from Argentina, the Czech Republic, India, the US and Turkey, global worker bodies set minimum standards, support local trade unions with unionisation campaigns and improve international cooperation between countries and trade unions, which facilitates informal communication and transfer of best practice.

9.6 Factors affecting occupancy of regulatory space for global employee voice

Concluding the above discussion on formation, functioning and effectiveness of the global worker bodies, it is now possible to analyse the ways in which they occupy regulatory space. The focus of this thesis is on the regulatory space of global employee voice and the aim is to assess to what extent the global worker bodies have the ability to occupy it. Table 9.3 summarises the factors that determine the formation of a global worker bodies and distinguishes between company, national, European and global levels. These factors with an exception of delegate-driven interest and involvement, are external and 'given'. They define the regulatory space for global employee voice on different levels. In contrast, the factors discussed in the functioning and effectiveness sections, except for the quality of the information provided by management, are internal (internal to a GUN, WUC and a WWC) and employees have some (though sometimes limited) influence over them. These factors take place at the global level and refer to the characteristics of the global worker body itself. Thus, it is possible to draw together these external and internal factors that affect the occupancy of regulatory space (Table

9.5). ‘The factors determining the shape of this space, and the relative position of its occupants, are many and complex’ (Hancher and Moran, 1989:154) and thus require a more detailed discussion.

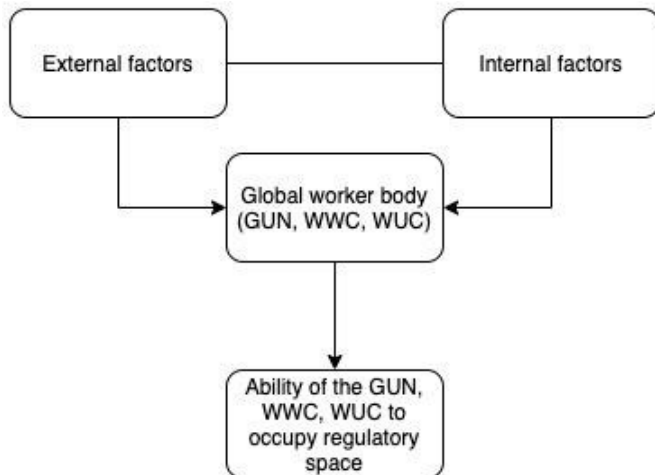
Table 9.5 Factors affecting the ability of the GUN, WUC and the WWC to occupy global regulatory space for employee voice (own compilation).

	External:	
Company level	Management attitudes	The support of management in establishing and developing global representation bodies (Rüb, 2004)
	Quality of information	The scope and the timeliness of information provided by the management.
	Company’s history of social dialogue	Company-specific industrial relations tradition, corporate history and circumstances of the foundation of the global body (Müller et al., 2006).
	Company’s product strategy	Company’s product strategy: homogenous or fragmented (Müller et al., 2006).
	Company’s structure	Company’s organisational structure: integrated or segregated (Müller et al., 2006).
National level	National industrial relations system	National traditions of cooperative industrial relations in the country of headquarters.
	National employee representation structures in the country of headquarters	The existence of strong, legally underpinned national employee representation structures, such as a powerful Central Works Council or national trade union in the country of headquarters
European level	Regulation of mandated negotiation	Adoption of the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC reinforce mandated negotiation.
	Established EWC and its longevity	An established EWC which is rooted in the company’s industrial relations tradition.
Global level	GUF’s strategic aims	GUF’s strategic objectives such as its position regarding GUNs and WWCs, and the role they play in their development and coordination (Müller et al., 2006).
	GUF’s resources	GUF’s ability to organise meetings and support development, which is based on its personnel and financial resources (Rüb, 2004; Müller et al., 2006).

The agreement guiding creation of a global body	Whether such an agreement has been signed by management: the German-Co IFA (2012), the Swedish-Co WUC Agreement (1996) and the French-Co Addendum (2015).
Previous meetings	Existence of previous meetings and other organising activities helps delegates build networks, share information and collectively mobilise.
Internal:	
Delegate-driven interest and involvement	Employee representatives need to be interested in the development of the global worker body.
Language	Effort needs to be taken to overcome language barriers.
National differences and global identity	The extent to which employee representatives have developed common identity as global delegates.
Trust and solidarity	Trust and solidarity between all employee representatives.
Progress vs process	Preoccupation with day-to-day tasks and activities.
Robustness or shallowness of employee voice	Robust forms of voice provide more opportunities to occupy regulatory space for voice than shallow forms (Dobbins et al., 2011).

The factors in Table 9.5 provide a deeper understanding of the extent to which the regulatory space for global employee voice is occupied by the GUNs, WUC and the WWC. The importance of each of the factors can be evaluated at both formation (the GUN, WUC and the WWC entering the regulatory space) and functioning stages (the GUN, WUC and the WWC operating in the regulatory space). The structure of the following section is reflected in Figure 9.2.

Figure 9.2 Ability of the GUN, WUC and the WWC to occupy regulatory space (own research).



9.6.1 External factors

Management attitudes are a key factor that determines the creation of a global worker body. Managers give the ‘green light’ for the creation of a body if they see it as beneficial and have favourable attitudes towards it. The benefits include an opportunity to foster communication, cascade information across different locations and promote company values creating the sense of belonging. At the same time, if management has positive attitudes towards these bodies, management is more likely to support their operation by providing resources and information and participating in the meetings. Management attitudes are closely linked to the quality of information provided to the employee representatives. Provision of detailed, relevant and timely information could facilitate day-to-day operation of these global worker bodies, helping them occupy regulatory space for employee voice. The company’s history of social dialogue is another external factor. It determines the creation of a global worker body and the way in which the company’s industrial relations operate. If there is a long history of social dialogue in the company, management is more likely to view global worker bodies favourably and to have a cooperative relationship with the employees. Moreover, the company’s history, and in particular the circumstances of the foundation of the global worker body, might determine its day-to-day operation and future development. For example, the Swedish-Co WUC was established before the Swedish-Co EWC Agreement (1996) and was functioning as a single body in the company for a long time. In its operation it is more established than the EWC at Swedish-Co. At French-Co the WWC resembles the EWC in its clear provisions set out in the French-Co Addendum (2015), which follows the wording of the previous EWC Agreements. In comparison to Swedish-Co, the WWC at French-Co has more clear formal procedures established. The German-Co GUN relies heavily on the German-Co IFA (2012), which historically initiated its creation.

In this study, a more homogeneous product structure, together with an integrated organisational structure, tends to facilitate creation of an institutional forum, such as the French-Co WWC. A more fragmented product strategy with segregated company structure tend to be linked to more flexible network-like arrangements such as the German-Co GUN. These factors also influence how the global worker bodies are functioning. Fragmented product structure (e.g. German-Co) might prevent fruitful dialogue, as the nature of products, jobs and industries in which different divisions operate varies significantly. Segregated organisational structure makes it difficult for employee representatives to cooperate as different company units (such as different operating and strategic companies at German-Co) operate independently. The relative independence of the business units and the lack of exposure relating to the performance of other units limits the development of an institutional forum, where all employee representatives meet. Thus, as it can be seen in the case of German-Co, a more flexible network arrangement – the German-Co GUN – is preferred.

National traditions of cooperative industrial relations in the country of headquarters play an important role in the formation and day-to-day operation of global worker bodies. In all three cases, industrial relations traditions have influenced the creation and further operation of the global worker bodies. Indeed, findings show that global worker bodies can be viewed as a result of extension of cooperative industrial relations in the country of headquarters. This is closely linked to another external factor – the existence of strong, legally underpinned national employee representation structures. They play an important role at both formation stage (supporting and leading the creation of the global worker body) as well as in day-to-day operations. Such national structures as a powerful Central Works Council or national trade unions in the country of headquarters provide necessary resources, and support operation of a global worker body.

Regulation of mandated negotiation at the European level is another key factor. It was earlier discussed how the imminent adoption of the EWC Directive 94/45/EC encouraged Swedish-Co to create a WUC. The passage of the EWC Directive 94/45/EC and the recast EWC Directive 2009/38/EC emphasise the importance of company-level employee representation. The EWC Directives promote social dialogue at the European level and is an important characteristic of the regulatory space for employee voice. This is linked to the next factor – the longevity of an established EWC in the company. Findings show that a long-established EWC can facilitate the establishment of a global representation body in the way of its gradual transition to a global set-up. The existence of an EWC encourages networking and communication on the employee-side, which is key for creation of a global worker body. The argument made in this thesis is that EWCs and global worker bodies such as GUNs, WUC and WWCs should operate in parallel, mutually benefitting each other.

GUFs are important actors in the regulatory space for employee voice. They play an important role in the creation of a global worker bodies and facilitate its functioning. Thus, their strategic objectives, policies towards global worker bodies and GUF's resources are key. In all three case studies IndustriALL Global was involved in the creation of the global worker bodies and signed the IFAs. Müller et al. (2006) distinguish between autonomous, pragmatic and highly institutional approaches that the GUFs can take in the creation and coordination of global representation bodies. In the three case studies, the institutional approach is apparent (the various approaches are discussed in more detail in Chapter 3). IndustriALL Global played an important role in the establishment of global worker bodies but its role in the day-to-day operation is limited to coordinator and advisor.

The existence of an agreement that formalises the creation and guides the day-to-day operation of global worker bodies is also a key factor. Analysis of the Swedish-Co WUC Agreement (1996), the French-Co Addendum (2015) and the German-Co IFA (2012) revealed that the agreement needs to be detailed and up-to-date. The detailed up-to-date provisions help global worker bodies occupy regulatory space. Other company agreements such as the Swedish-Co Code of Conduct (2019) and the French-Co IFA (2013) and the French-Co IFA (2019) could be useful tools for the WWCs and the WUCs to have in their arsenal. Findings also show that the IFAs and Codes of Conduct become more effective, when they are implemented and monitored by a global worker body.

Previous meetings and organising activities at the global level are important for the formation of global worker bodies. They provide an opportunity for employees to build networks and exchange information. Once the global worker body has been set up, the organising activities across borders might be important for further development. For example, in the case of certain countries, where the company has important sites that are not represented on the global worker body, organising activities can help extend its membership. In this case informal meetings and communication may lead to the extension of the global body to include new employee representatives.

The above factors depict the global regulatory space for employee voice. They determine the external conditions, i.e. the environment in which the GUNs, WUC and the WWCs operate. These conditions can constrain or facilitate the ability of global worker bodies to occupy regulatory space. Beyond this, their ability to occupy regulatory space is affected by organisation on the employee-side. This next set of variables – internal factors – bring consideration of employee agency into play.

9.6.2 Internal factors

With regards to internal factors, the GUN, WUC and the WWC have more ability to occupy regulatory space, where employee representatives have demonstrated a common effort and interest in developing the global worker body. Delegate-driven interest and involvement is important at both

formation and day-to-day operation of a global worker body. If the delegates are not interested in the information and consultation at the global level, little progress could be made without their involvement. The language barrier is another crucial factor, as it could limit communication, transfer of best practices and establishment of the contacts across countries. The global worker body has more ability to occupy regulatory space, where an effort has been made to overcome language barriers by providing sufficient training to all delegates. Swedish-Co provides English training to all the WUC members. At German-Co there are no such provisions. At French-Co, training in English and French is available to the steering committee members, but could be provided to other WWC members subject to management approval. At French-Co specific integration training is organised for the new employee representatives, aimed at improving the employee representative's knowledge of the company and its economic, social and cultural environment, as well as with their knowledge of the practice of social dialogue at the global level. Swedish-Co and German-Co do not provide such training. Interestingly, interviewees in all three cases did not express any concerns about the lack of training provided by the company as such, but raised a question whether they have training to fully understand the information shared by the management. They also stated that language barriers could be an issue. For example, a Spanish employee representative at German-Co made a comment about his colleague from Portugal, who speaks German. He explained that despite both of them being employee representatives at the German-Co EWC, his colleague probably has better access to information as he can speak German: *'in the end all the agreements happen in Germany. Information does not come outside Germany, but it is a German company'* (German-Co-part. 8). This, however, is taken for granted, as the company is 'German'. In other cases, interviewees did not make similar observations and only reported that language barrier could be an issue for effective communication.

The extent to which employee representatives have developed common identity as global delegates (rather than national) is another key factor. In order to create the common global identity, informal contacts and an open mind for cultural differences are key. To achieve this training in cultural awareness is required, which facilitates better understanding of national differences. French-Co is the only company that provides the so-called integration training to new members, which includes training on the cultural environment of the company. However, interviewees did not mention any specific benefits of having such training. Lack of trust between the employee representatives is another factor that can hinder the GUN's, WUC's and the WWC's ability to occupy regulatory space. It is explained by cultural and national differences and lack of communication. This can be overcome with time through informal communication and networking between employee representatives.

Focus on the process can hinder the ability of global worker bodies to occupy regulatory space. In all three case studies employee representatives are facilitating the day-to-day operation of the global bodies, which requires time, personnel and financial resources. For example, in the case of local

disputes, a decision whether to come to a specific country needs to be made: *'I have to decide if I can solve that from distance or if I need to go there'* (Swedish-Co-part. 1). A similar decision needs to be made with regards to the meetings, that can only take place on alternating basis (in the case of German-Co GUN metaclusters) and once a year in a particular country (WWC learning sessions at French-Co). The emphasis on the process tends to restrict significant progress in development of the global worker bodies, limiting their ability to occupy the regulatory space.

Dobbins et al. (2011) demonstrate that robust forms of voice provide more opportunities to occupy regulatory space for voice than shallow forms. As outlined in the previous section, global worker bodies are relatively shallow bodies of employee voice. This negatively impacts their ability to occupy regulatory space. This relationship between effectiveness (or ineffectiveness) of global worker bodies and their ability to occupy regulatory space needs to be explained further. First, the ability to occupy regulatory space does not translate into effectiveness. Effectiveness and ability to occupy regulatory space are two separate characteristics. The body is not necessarily effective just because it occupies a certain regulatory space. Secondly, in the companies studied, global worker bodies are able to occupy global regulatory space. They are recognised and supported by management, they are based on formal agreements and have meetings on a regular basis. Their existence in the regulatory space is an important achievement on its own and should not be underestimated. However, as bodies of employee voice they are relatively ineffective as they lack consultative or negotiating status. This 'shallowness' of employee voice, provided by the global worker bodies, limits their ability to occupy regulatory space. This demonstrates the relationship between the two characteristics. Simply put, the higher the effectiveness of body of employee voice the more regulatory space it can occupy, given there is management recognition of such a body. Therefore, the more effective (robust) global worker bodies become, the more regulatory space they would be able to colonise.

9.7 Critical review of the regulatory space framework

The findings support Dundon et al.'s (2014) claims about the voluntarist nature of regulatory space for employee voice and the voluntarism domain at the global level has been the main focus of this thesis. If the emphasis is placed on the distinction between actors representing capital and labour, it is evident that the labour-side actors occupy the voluntarism domain at the global level, while unilateralism at the global level is occupied by employer-side actors. One example of unilateralism previously discussed in Chapter 1 is managerial prerogative over decision making without any involvement from employee representatives and trade unions, which leads to the imbalance in power between capital and labour. The arguments made at the start of this thesis explained that the hypermobility of capital and its ability to operate on a global scale may trigger lowering of social standards and weaken labour's bargaining power. The view that capital mobility has a negative impact on labour is widely supported and 'such analysis is now largely taken for granted' (Wills, 2001: 485).

To respond to these competitive challenges, labour needs to revise its global strategy in order to match the reach of global capital. This thesis presents one of such global strategies – creation of global worker bodies in multinational companies. For employees to have any influence on management decision making in multinational companies, the national employee representation structures at the local level need to be supplemented by global bodies which reflect the global nature and cross-border activities of the companies (Seifert, 2008).

Regulatory space framework helped to ensure consistency of analysis of global context of employee voice in this study. However, despite its usefulness, a number of limitations of the theoretical framework became apparent in this research. The below sections focus on several key limitations and contribute to debate on regulatory space.

9.7.1 Interdependence

Global worker bodies do not operate in isolation from other labour actors and instruments. A number of cross-border labour actors and instruments have developed during the last decades in parallel with capital globalisation. These include Global Union Federation activities, the IFAs, EWCs, the GUNs, the WUCs, the WWCs, ILO Core Labour Standards and OECD Guidelines for Multinational Enterprises. Pries and Seeliger (2013:27) argue that analysing each of these actors and instruments in isolation falls short, as it leads to a simplistic conclusion that they are ineffective. This research supports Pries and Seeliger's (2013) claims and argues that the GUN, WUC and the WWC have to be viewed as part of the emerging texture of interconnected measures. When considered together with the IFAs, GUFs, EWCs and other actors at national and company levels, as the complex interplay of labour regulation, the positive outcomes for the employees become apparent. This refers to Waddington's (2011) notion of articulation – the way in which different levels unionism interlink together. In his book, he discusses the capacity to articulate EWC-related activities conducted at different levels of unionism. In this study, articulation is apparent between the various levels of regulatory space. For example, at the company level the Central Works Council (German-Co case) supports the operation of the global worker body. Similarly, the board-level representation (the Swedish-Co WUC Chairman sits on the board of directors, negotiating team of the German-Co Central Works Council sits on the supervisory board) also facilitate operation of the global worker bodies. Strong national union, such as IG Metall, coordinates the operation of the German-Co GUN. The existence of the EWC in the French-Co case, paved the way for the WWC to be established in the company. The IFAs (German-Co and French-Co) and the Code of Conduct (Swedish-Co) play an important role in all three case studies. These close mutually supportive relationships with other actors and instruments facilitate the operation of the global worker bodies in the companies studied. Similar conclusions have been made by Rüb (2002) in the case of Volkswagen WWC, where the cooperation with German employee representatives and a German-Brazilian seminar facilitated the

Competitiveness Agreement in Brazil. Rüb (2002) also explains that at Volkswagen there is a tiered system, which consists of the Volkswagen WWC, the EWC and the EWC steering committee operating at global and European levels. When looking at the interplay of actors in each company case, it is possible to see that global regulatory framework starts to emerge. It takes the form of complementary bodies at different levels and domains, which often unintentionally strengthen regulatory frameworks (Pries and Seeliger, 2013). Therefore, to understand the global regulatory space it is necessary to look at the whole picture in order to uncover the complex relationships. Herod's (2008) Russian Matryoshka analogy might be useful to illustrate this. Herod (2008) provides a Russian Matryoshka (nesting) doll metaphor, where each 'doll' (level in the framework) is separate and can be viewed on its own. This means this thesis can look at each of the four levels separately and discuss dynamics of actor interactions at each of these levels. However, the whole 'Matryoshka' (global regulatory space) is only complete and can be only understood in its totality of 'dolls' (levels in the framework). Regulation takes place across various levels 'in an interlocking and often mutually supportive fashion' (MacKenzie and Lucio, 2005:505) and regulatory space framework is helpful to demonstrate this articulation of levels.

9.7.2 Effectiveness and ability to occupy regulatory space

Based on the findings, there are some limitations to the application of this framework that need to be acknowledged. The study shows that the ability to occupy regulatory space does not mean effectiveness. The GUN, WUC and the WWC in this study occupy global regulatory space in the three companies. However, this does not automatically translate into the effectiveness. To draw an analogy with the EWCs, the conditions in which global worker bodies operate resemble the conditions that prevailed in Europe before the adoption of the EWC Directive (Müller, 2005). The small number of global worker bodies currently operating (37 WWCs/WUCs and 28 GUNs) resembles the 'pre-directive period', when a small number of voluntary EWCs (known at that time as the European information and consultation committees) existed at the exploratory stage (Gold and Hall, 1992). The mere existence of the global worker bodies and their ability to occupy regulatory space is already an achievement. However, their effectiveness in providing meaningful employee voice is a different matter and varies between companies. To compare to the EWCs, EWCs occupy European regulatory space but their effectiveness varies and ranges from symbolic, service, project-oriented and participative (Lecher et al., 2001). The same applies to global worker bodies that can be relatively 'shallow' (the German-Co GUN, Swedish-Co WUC and the French-Co WWC limited to communication provisions) and more 'robust' (WWC at DaimlerChrysler and Volkswagen have consultation).

Different domains and levels in the framework are viewed by some scholars as political constructs, which are created by practices and interactions of various actors (Herod, 2008). Thus, these levels and

domains ‘do not just exist, waiting to be utilised, but must be brought into being’ by actors (Herod, 2008:219). From this perspective, levels and domains at which actors operate cannot be separated from the actors that create them. This study acknowledges that some domains of the regulatory space framework are vacant, as there are no actors occupying them at this level (e.g. mandated negotiation at the global level, law at the company level). Since domains and levels are inseparable from actors occupying them, these domains and levels that are vacant do not exist. They come into ‘existence’ only once the actor or actors occupy it.

9.7.3 Domains and levels

An important criticism of the regulatory space framework is its rigidity. MacKenzie and Martinez Lucio (2005) argue that regulatory jurisdictions may overlap. The findings supported this, and demonstrated how one actor may occupy different domains. For example, the IFAs are argued to be in the voluntarism domain, as they have been voluntarily negotiated between company management and GUFs, and sometimes other relevant actors. However, some could argue that the IFAs could be placed in the soft law domain together with the Codes of Conduct. IFAs include a commitment of signatories to respect them and have provisions underlying their binding character. Moreover, the Swedish-Co Code of Conduct (2014) could also be is a quasi-legal instrument for compliance and ensuring consistency across all sites, hence is placed in the soft law domain. At the same time, it has been co-signed by the WUC Chairman and thus could be put under voluntarist dimension representing voluntary negotiation between labour and management.

Another criticism comes from the permeability of the levels in the framework. MacKenzie and Martinez Lucio (2005) argue that regulation cannot be viewed solely in terms of a strict hierarchy of levels. Levels are conceptually separate but operate in the interlocking and mutually informing manner (MacKenzie and Martinez Lucio, 2014). Findings show how voluntarism at the global level could substitute mandated negotiation at the European level in the case of French-Co and Swedish-Co, where the global worker bodies took over the role of the EWCs. Interviews showed that no separate EWCs meetings were taking place at both companies (however Swedish-Co is attempting to re-active the EWC). As the German-Co case study demonstrated, an actor (negotiating team Central Works Council) may simultaneously operate in two domains: mandated negotiation (company level) and voluntarism domain (global level) as coordinator of the German-Co GUN. The same applies to the voluntarism domain at the national level, where a national trade union (such as IG Metall) may occupy voluntarism domain at both national level and global level (IG Metall coordinator facilitates the German-Co GUN). Finally, the global worker bodies themselves may occupy several domains. The French-Co WWC may be convened in a number of configurations: as a WWC and as an EWC. It also takes over the role and responsibilities of France group committee (a national institution of worker representation provided for companies with group structure by French legislation). This means

depending on its configuration and role, it can occupy voluntarism domains at global, as well as mandated negotiation at the national and European level. The different ‘faces’ of the French-Co WWC place it in multiple domains at different levels. At Swedish-Co, when the EWC was incorporated in the WUC (prior to 2016), the WUC itself can occupy both voluntarism domain at the global level and mandated negotiation domain at the European level.

9.7.4 Impacts

The impact of the global worker bodies is also not restricted to a global level. It has been explained earlier that they have more significant impact at the national level. Thus, the notion of effectiveness of a certain body should not be restricted to a particular level of the regulatory space framework, at which it operates. As previously discussed, the significance of impact of global worker bodies depends on the country and its industrial relations systems. In this study, the impact of the German-Co GUN, Swedish-Co WUC and the French-Co WWC tends to be limited for European countries with strong national representation structures. The positive outcomes tend to be concentrated in non-EU countries (with exception of the Czech Republic). Thus, the ‘national level’ is merely a generalisation and it is key to distinguish between different countries with different national representation structures. Global worker bodies have more significant impact in countries, where national representation structures are weaker.

The criticisms outlined in this section refine the notion of the regulatory space and its application. For example, the permeability of levels, discussed above, needs to be taken into account when applying the theoretical framework. Moreover, the application of the escalator of participation and Hyman’s (1997) dimensions of employee representation helps to establish that the way in which each regulatory domain is occupied is critical, not merely the fact that it is occupied. Indeed, the GUN, WUC and the WWC occupy global regulatory space for employee voice, but the occupancy of the regulatory space does not automatically translate into the effectiveness. However, these criticisms do not undermine the use of the regulatory space framework. The regulatory space framework acknowledges the complex relations between the actors and structural factors that facilitate the development of links between the actors (Hancher and Moran, 1989).

9.8 Summary

The different pathways to global employee voice have been identified as the GUN, WUC and the WWC in this study. It has been argued that these global worker bodies are relatively ‘shallow’ forms of employee voice and merely provide communication rather than consultation. This has been measured on the adapted escalator of participation (Marchington et al., 1992:7; Blyton and Turnbull, 2004:255). Despite being bodies for communication, global worker bodies studied were able to

produce positive outcomes for employees. Examples from the Czech Republic, Turkey, Argentina, the USA and India show in detail how global worker bodies achieved the desired outcomes for employees. Global worker bodies managed to set minimum standards across all company sites (through the IFA monitoring and implementation), supported local trade unions with unionisation campaigns, improved international cooperation between countries and trade unions and facilitated informal communication and transfer of best practice across borders. As Hyman (1997:311) explains the outcomes need 'to be viewed as relative to what is potentially attainable'. Global worker bodies operate in the absence of a legal framework in the context of voluntary negotiation. Furthermore, based on the case study findings, various internal and external factors have been identified that determine their ability to occupy global regulatory space for employee voice (Table 9.5). As anticipated by discussion in this chapter, the key findings are as following. First, the findings demonstrate that the pathways to employee voice differ across the three cases and particularity of factors is specific to each company studied. Indeed, the interplay of various factors at different levels facilitate the creation of a global worker bodies in the three companies studied. Secondly, the global worker bodies may dilute EWC rights. Indeed, in cases where an EWC has been transformed into a global worker body, there is, in fact, deterioration of social dialogue at the European level. Thus, this study suggests that creation of global worker bodies should run in parallel with the EWCs and not replace them. Thirdly, global worker bodies in this study tend to have more significant impact on the national level. In particular, they improve standards in countries with weaker national representation structures, which is the case mainly for non-EU countries. Fourthly, the competing national interests inhibit creation of the global identity and development of the global worker body. Moreover, the challenges to create a European labour identity are compounded when the global labour identity is discussed. The study also emphasises the importance of seeing all the elements of global regulatory space framework as fitting together (articulation of levels). Global worker bodies do not operate in isolation in the 'vacuum'. Lastly, this research contributes to the critical labour studies literature, demonstrating the mismatch between capital and labour. Capital is global in its reach, while labour remains to a large extent local. To overcome this labour needs to revise its global strategy and one of the ways to achieve this could be to create global worker bodies in multinational companies.

Chapter 10 Conclusion

This chapter provides conclusions that can be drawn from the study. First, it summarises the aim of the study. Following this, it presents the contributions that the study has made. In doing so, it addresses the research questions (outlined in Chapter 1), providing summary answers and highlighting the key findings. Lastly, the limitations of this research are discussed as well as potential areas for future research.

10.1 The aim of the study

This study aims to contribute to the debate on the global employee voice and the different forms it can take. There is a significant gap in the literature on global worker bodies and determining their existence is a substantial task in itself. There are no clear definitions for each of the various global worker bodies and previous research provides a fragmented picture. For example, Rüb (2002) provides an overview of different worker bodies in a number of multinational companies. However, despite being helpful, the information has been found to be outdated. Steiert (2001) discusses the role unions play vis à vis the EWCs and the WWCs at SKF and Volkswagen. Müller et al. (2005) provide an in-depth case study of two bodies: the Volkswagen WWC and the DaimlerChrysler WWC. The WWC at DaimlerChrysler was also analysed by Stevis (2009), but the research primarily focused on formulation and implementation the IFA, and the WWC was viewed as one of the actors in this process. Müller et al. (2006) identify a number of ways in which global worker bodies could be formed and offer some guidance to GUFs in order to realise their full potential. Research by Anner et al. (2006) on three industrial sectors, identifies the strategies unions engage in (including creation of global worker bodies) to reassert control over labour markets. In particular, they note that employee representatives in the automobile industry tend to institutionalise their cross-border cooperation at the undertaking rather than industry level via creation of global worker bodies. Helfen and Fichter (2013) in their research on the GUNs in two companies (under the domains of the International Metalworkers Federation and the UNI Global Union) demonstrate two ways their development can take place. They also conclude that the GUNs in these companies are still ‘work in progress’. Some scholars investigate the relationship between establishment of global worker bodies and negotiation of IFAs (Mustchin and Martinez Lucio, 2017; Bourque et al., 2018). Another group of scholars looked at the internal dynamics of GUNs and highlighting the various ways in which local unions integrate into GUNs (Bergene, 2007; Lévesque and Murray, 2010a, 2010b; Dufour-Poirier and Hennebert, 2015). These studies provide a useful starting point, but the need for a more in-depth comparative case study research with a primary focus on different global worker bodies is evident. To fill the gap, this thesis provides an in-depth discussion of three distinct pathways to global employee voice: a GUN at German-Co, a WUC at Swedish-Co and a WWC at French-Co. It aims to shed some light on how the GUNs, WUCs and the WWCs are formed, how they operate and to what extent they can

provide meaningful employee voice. To answer the last question, the level, form, range and degree of employee voice (Marchington et al., 1992) and Hyman's (1997) autonomy, legitimacy and efficacy of employee representation are applied.

10.2 Contribution

10.2.1 Empirical

The overriding research question was: What are the different pathways to global employee voice?

Exploratory by nature, this study identified different pathways to global employee voice: Global Trade Union Networks (GUNs), World Union Councils (WUCs), World Works Councils (WWCs) and extended European Works Councils. However, it is argued that an extended European Works Councils are global worker bodies 'in transition', as in practice only a few non-EU employee representatives attend the meetings and have the 'observer' status. Previous research on the global worker bodies is limited. This concern has been raised to the researcher in conversations with some scholars and practitioners (IndustriALL Europe and IndustriALL Global). The majority of the research on global worker bodies has been conducted by three scholars: Torsten Müller, Hans-Wolfgang Platzer and Stefan Rüb. They try to put global worker bodies at the centre of their studies. Other scholars tend to focus primarily on the responses of trade unions to the globalisation pressures (Croucher and Cotton, 2009; Helfen and Fichter, 2013; Steiert, 2001; 2009). Global worker bodies are viewed as an outcome of trade union activity and their development is viewed from a trade union lens. Another issue is that tracing back all the global worker bodies is a challenging task, as not all of them are based on written agreements and companies use different names for their global worker bodies. Even when the agreement is in place it is difficult to trace. Therefore, determining the existence of the various global worker bodies was a substantial task in itself. This research has identified 28 GUNs and 37 WUCs/WWCs currently operating (Table 1.5, Table 1.6), but the number is expected to be higher.

The study demonstrates that labour responses to the globalisation of capital and its hypermobility vary in different companies. Case studies reported in Chapter 6, 7 and 8 present three different pathways to global employee voice: a GUN at German-Co, a WUC at Swedish-Co and a WWC at French-Co. This variety of forms of global worker bodies demonstrates that there is no one best way. Instead, the bodies 'fit' the context of the company defined by a number of variables and actors specific to the case study.

The first sub-question was: *1. What factors determine the creation of Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs)?* Simply put it asks why companies create these bodies and why they are formed in a certain way. Distinguishing between

company, national, European and global levels, a number of internal and external factors have been identified that determine the way these bodies are formed. At the company level, management attitudes, the company's history of social dialogue, its product strategy (homogenous or fragmented) and its structure (integrated or segregated) are identified. At the national level, national industrial relations system and national employee representation structures in the country of headquarters determine the creation of the GUN, the WUC and the WWC. At the European level, such factors as mandated negotiation (e.g. adoption the EWC Directive 94/45/EC) and the longevity of the established EWCs play an important role. At the global level, this study emphasises the role of GUFs' strategic aims and resources, the existence of an agreement guiding the creation of a global worker body, delegate-driven interest and involvement, and previous meetings. This is summarised in the Table 9.3. The argument is that instead of highlighting the role of one specific factor, it is important to explain the interplay of different factors at different levels facilitating the creation of a global worker body. Findings demonstrate that the pathways to employee voice differ across the three cases and particularity of factors is specific to each company studied.

The second sub-question was: *2. How are these global worker bodies established?* In the Swedish-Co case the Global Trade Union Network (called the IMF World Swedish-Co Council) was transformed into a Swedish-Co World Union Council by signing the Swedish-Co WUC Agreement (1996). At French-Co, the EWC was gradually extended and transformed into a WWC. It was established by signing the French-Co Addendum (2015). At German-Co a GUN was created after the German-Co International Framework Agreement (German-Co IFA, 2012) was signed in 2012. The process of establishment of these global bodies is summarised in the Table 9.2.

The third sub-question was: *3. How do these global worker bodies function?* A detailed answer to that question has been presented in Chapters 6, 7 and 8, where operation of these bodies has been discussed in detail. This research question justifies the lengthy case study chapters, as the aim was to provide a comprehensive picture of the three global worker bodies. When discussing GUNs, Hennebert and Bourque (2013:223) argue that 'there are several grey zones when it comes to relationship dynamics and structure of power relationships within cross-border alliances' and further research is required to understand their internal 'modus operandi'. In this context, this thesis attempts to explain how global worker bodies function, uncovering a 'black box'.

The fourth sub-question was: *4. To what extent do any of these global worker bodies facilitate meaningful employee voice?* This research question is concerned with the effectiveness (or ineffectiveness) of global worker bodies in providing employee voice. To measure this, the level, form, range and degree of employee voice (Marchington et al., 1992) and Hyman's (1997) autonomy, legitimacy and efficacy of employee representation are applied. Degree of employee voice has been

mapped on the adapted escalator of participation (Marchington et al., 1992:7). Despite that global worker bodies in this thesis are placed at the communication stage on the escalator of participation, they were able to produce positive outcomes for employees at the national level. Positive outcomes tend to be concentrated in the non-EU countries with less development national representation bodies (except for the Czech Republic, where the Swedish-Co WUC facilitated unionisation of the Swedish-Co plant). The impact of global worker bodies is particularly striking in Argentina, the Czech Republic, India, the US and Turkey. The pressure coming from the global level can help facilitate discussion between local management and local unions. Furthermore, other studies have demonstrated that some global worker bodies have developed consultation role. For example, the WWC at DaimlerChrysler (currently a WWC operates at Daimler after the company has separated) and the WWC at Volkswagen has been able to achieve this (Müller et al., 2005).

For the European workers, especially those coming from countries with strong national representation structures, the positive outcomes are limited. Thus, it can be concluded that the impact of global worker bodies depends on the country and its national system of industrial relations. In countries where national structures do not provide sufficient protection for the employees, the effect of the global worker bodies is more significant. In the instances, where an EWC has been transformed into global worker body, there is, in fact, deterioration of social dialogue at the European level. This study suggests that creation of global worker bodies should run in parallel with the EWCs and not replace them.

Another important point highlighted in the Chapter 9 is that global worker bodies do not operate in isolation from other labour actors and instruments in a 'vacuum'. The global worker bodies set up minimum standards, monitor implementation of IFAs and help regulate local disputes. Moreover, the German-Co GUN, Swedish-Co WUCs and the French-Co WWC are effective in improving lines of communication, providing more transparent information, facilitating improved understanding of the company and its plans for the future by employee representatives. When considered together with the IFAs, GUFs, EWCs and other actors at national and company levels, as the complex interplay of labour regulation, the positive outcomes for the employees become particularly apparent. Therefore, the study emphasises the importance of seeing all the elements of global regulatory space framework as fitting together in its articulation of levels.

The fifth research sub-question was: *5. What factors affect the ability of Global Trade Union Networks (GUNs), World Union Councils (WUCs) and World Works Councils (WWCs) to occupy regulatory space for employee voice?* Chapter 9 presents a list of internal and external factors that affect occupancy of global regulatory space for employee voice (Table 9.5). The distinction is made between company, national, European and global levels of regulatory space. The external factors are

as following. At the company level, management attitudes, quality of information, the company's history of social dialogue and its product strategy (homogenous or fragmented) and structure (integrated or segregated) play an important role. At the national level, the national industrial relations system and national employee representation structures in the country of headquarters determine the ability of global worker bodies to occupy regulatory space. At European level, regulation of mandated negotiation and the longevity of an established EWC influence occupation of regulatory space. At the global level, the GUF's strategic aims and resources, an agreement guiding the creation of global worker body and previous meetings determine the ability of the GUN, WUC and the WWC to occupy regulatory space. Internal factors at the global level refer to characteristics of the global worker body. They include delegate-driven interest and involvement, language, national differences and global identity, trust and solidarity, progress vs process and robustness or shallowness of employee voice. The competing national interests inhibit creation of the common global identity between the delegates. The challenges to create a European labour identity are compounded when the global labour identity is discussed. Frequent communication and training are required to foster cultural awareness and better understanding of national differences, which helps to create sense of common identity and build trust between the delegates (Telljohann, 2007). It also requires the political will of other actors, such as GUFs, management, the EWCs and national representation structures (such as trade unions and the Central Works Councils) to recognise such issues as central to the agenda and devise a communications development strategy which is realistic and supportive. The need for global worker bodies 'is a logical result of the speed with which companies are globalising' (Steiert, 2001:130), thus it crucial that these bodies have necessary resources to support their operation.

10.2.2 Theoretical

The global regulatory space framework proves to be useful in answering how regulatory space for employee voice is occupied by various actors. The argument made in Chapter 9 suggests that in order to understand the occupancy of the global regulatory space for employee voice it is necessary also to look at the whole picture in order to uncover the complex relationships between the actors. For this purpose, the global regulatory framework is particularly useful, as it views regulation as multi-level and multi-dimensional process. This echoes Waddington's (2011) notion of articulation – the way in which different levels unionism interlink together. Global worker bodies in this thesis are presented as part of the complex interplay of different actors in the context of global employee voice. Global worker bodies are part of the broader international union activity and present one strategy to match the reach of global capital. By facilitating communication, global worker bodies studied make multinational more 'transparent' and open up space for linking trade union actors at various levels, beyond the national framework, connecting actors at different levels of the regulatory space (Fichter and McCallum, 2015; Helfen and Fichter, 2013). Moreover, the regulatory space framework was particularly helpful when used to analyse how new actors enter the regulatory space. It showed that

new actors such as a German-Co GUN, Swedish-Co WUCs and a French-Co WWC can undermine the role of existing actors who have historically provided employee voice in the companies studied. The regulatory space framework has been applied in various studies in industrial relations and related fields (Cunningham and James, 2017; Dundon et al., 2014; Hadjisolomou et al., 2017; Inversi et al., 2017; MacKenzie and Martinez Lucio, 2005; 2019; McBride and Mustchin, 2013). However, as discussed in Chapter 9, a number of limitations of the regulatory space framework has been outlined. Based on this critique, several key theoretical findings emerge. First, the ability of a certain body to occupy regulatory space does not equal its effectiveness. As it has been shown in this study, the German-Co GUN, Swedish-Co WUC and the French-Co WWC occupy regulatory space at the global level in the companies studied, but are relatively ineffective in providing employee voice. Their ability to occupy regulatory space depends on a number of external and internal factors, one of which is the robustness or shallowness of employee voice. This demonstrates that the more robust global worker bodies become the more regulatory space they would be able to occupy. Secondly, findings demonstrate that the global worker bodies are less effective at the global level and have more significant impact at the national level. This shows that effectiveness operates at different levels, i.e. the actors that occupy global level (the German-Co GUN, Swedish-Co WUC and the French-Co WWC) can have an impact at the national level, as demonstrated in the case studies. Therefore, the impact could be measured at different levels.

Thirdly, findings demonstrate that domains and levels are constantly renegotiated, which allows actors to move in the regulatory space: horizontally (between domains) and vertically (between levels). An example of vertical move can be shown by a national trade union (e.g. IG Metall) moving up to a global level (as a coordinator of the GUN). A horizontal move is more complex and may involve state intervention and legislative reforms. Historically, the EWCs moved from voluntarism domain to a mandated negotiation domain within the European level as a result of the adoption of the EWC Directive 94/45/EC (addressed in more detail in Chapter 3).

Lastly, this research contributes to the critical labour studies literature, demonstrating the mismatch between the capital and labour. Capital is global in its reach, while labour remains to a large extent local. The global worker bodies reflect the global nature and cross-border activities of the capital and supplement the national representation bodies.

10.3 Limitations and future research

There are a number of limitations of this research. First, the research design of this study is based on three company case studies: Swedish-Co, German-Co and French-Co. Despite providing an in-depth look at the GUNs, WUCs and the WWCs in operation, the case study approach can potentially restrict the theoretical generalisation of findings. An attempt has been made to overcome this limitation by

triangulation of the sources within the case studies. Moreover, Yin (2009) suggests that the case studies are generalisable to theoretical propositions and provide analytical generalisation rather than statistical. Secondly, as the focus of the study is on global worker bodies in the metalworking sector, the role of the sector is not possible to identify. Thirdly, it proved to be impossible to interview German-Co management, who attend the GUN meetings, due to no-response and refusal to take part in the research project. These participants' decisions not to take part in the research were taken seriously. However, it is important to note that to a large extent, the German-Co GUN is run by the labour-side actors with little or no involvement from the management. This is a finding in itself, which demonstrates that, in contrast to other global worker bodies in this thesis, there is limited management involvement in the GUN and its metaclusters. Lastly, it should be noted that the study presents a 'snapshot in time'. The investigation of three case studies (including documentary analysis and preliminary interviews) was conducted over a period of two years between September 2017 and October 2019. However, if the same study was conducted at any point in time before or after the actual research, the main events, results and even some actors (e.g. the GUF) could be different. Thus, the research involves an element of pragmatism given the researcher's limited resources, company access and the time scale for the completion.

Reflection of the choices made in this thesis and the awareness of the limitations can reveal where future research can progress. Whether global worker bodies will develop into a significant movement is not yet certain and requires further research. As such, there are several specific suggestions for future research which are based on the themes that have emerged in this study.

First, based on the literature review it was found that more research into global worker bodies is required. An attempt has been made to address this gap and further research might investigate the topics that have developed in this study. An important emergent theme is the 'shallowness' of global worker bodies in providing employee voice. Their effectiveness is limited at the global level. Nonetheless, global worker bodies are successful in setting minimum standards (through the IFAs and Codes of Conduct), supporting local trade unions (organising and conflict resolution) and facilitating international cooperation. As demonstrated with examples from Argentina, the Czech Republic, India, the US and Turkey, global worker bodies have stronger impact at the national rather than global level. Moreover, their impact tends to be more apparent for countries with less developed national employee representation bodies. This has important implications for non-EU countries, but the impact of global worker bodies on European workers has been limited. It would be interesting to see whether future research supports these findings. Moreover, future research could focus on the implications of these global worker bodies for the European workforce. If the positive outcomes tend to come from the non-EU countries, what effect do these global worker bodies have on the European employees and employee representatives? This is closely linked to the next point, which focuses on one such effect.

Secondly, an important finding that deserves further attention is the European vs global debate. In the Swedish-Co and French-Co cases, it was found that having a global worker body could dilute the EWC rights. Voluntarism at the global level has, in fact, undermined the mandated negotiation at the European level in these companies. However, at Swedish-Co the EWC has been ‘reactivated’. Future research could look into whether global worker bodies present a threat to the EWCs and European social dialogue. It has been argued in this thesis that global worker bodies should function in parallel with the EWC, supporting its activities and attempting to extend the model of social dialogue to other countries and regions. Further research could look into ways of ensuring this mutual cooperation between global worker bodies and the EWCs.

Thirdly, another interesting topic that emerged in the data collection is how management may use the global worker bodies to achieve their strategic aims. In this study, such aims included fostering communication with employees, promoting company values (e.g. ‘this is the French-Co way’) and facilitating restructuring (Vision 2020+ in the German-Co case). In extreme cases management could support creation of a global worker body in order to limit the power of the EWCs and diminish the rights contained in the EWC Directive 94/45/EC. In this study several managers were interviewed in the attempt to uncover their views on global worker bodies and their potential benefits. However, this approach gives little understanding of how management can use these global worker bodies to achieve their objectives. Thus, future research can focus on specific managerial strategies, intentions and potential impact of the GUNs, WUCs and the WWCs on managerial structures.

Lastly, the findings demonstrate that the role of the GUFs varies between the stages of development of the global worker bodies. The GUFs play an important role at the formation stage, facilitating and supporting the creation of the global worker bodies. Nevertheless, after the bodies have been established, the findings reveal that the role of the GUFs has been limited to support partners and external service providers. Future research could potentially analyse how GUFs can strengthen their involvement in the negotiation and practical operation of global worker bodies. Some scholars argue that GUFs can help counterweight the degree of capital mobility and respond to challenges of globalisation (McCallum, 2013; Burgmann, 2016). Further research could thus attempt to answer the question about the role GUFs should play in the creation of the global worker bodies in the future.

10.4 Summary

This chapter concluded this thesis by summarising the research findings and outlining its empirical and theoretical contributions. The study demonstrates that the pathways to employee voice differ across the three cases: the German-Co GUN, Swedish-Co WUC and the French-Co WWC. The interplay of various factors at different levels facilitate the creation of a global worker bodies in the three companies studied. It has been demonstrated that the global worker bodies may dilute EWC

rights by replacing the EWC with a global worker body. To avoid the deterioration of social dialogue at the European level, the creation of global worker bodies should run in parallel with the EWCs and not replace them. Global worker bodies in this study tend to have more significant impact on the national level. In particular, they improve standards in countries with weaker national representation structures, which is the case mainly for non-EU countries. This suggests that the outcomes of global worker bodies are different for the EU and non-EU workforces. As findings show, the competing national interests inhibit creation of the global identity and development of the global worker body. The study also emphasises the importance of seeing all the elements of global regulatory space framework as fitting together (articulation of levels). Regulatory space takes the form of complementary bodies at different levels and domains, where global worker bodies are just one of the elements. By analysing them together with the IFAs, GUFs, EWCs and other actors at national and company levels, the global regulatory space starts to emerge. Lastly, this research contributes to the critical labour studies literature, demonstrating the mismatch between the capital and labour. Capital is global in its reach, while labour remains to a large extent local. Global worker bodies are one of the global strategies that could be adopted by labour to overcome this. The existence of such bodies as the GUNs, WUCs and WWCs could suggest that ‘the case for writing off labour remains unproven’ (Dunn, 2004:3). This chapter also attempted to discuss the main limitations of this study and to provide insights into potential areas for the future research. In doing so, it has produced a number of themes that are important for contributing to global employee voice, knowledge about global worker bodies and the debate over their effectiveness. This research encourages further investigation into how global worker bodies could develop a more consultative role and provide more robust employee voice.

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Appendix 1: Dictionary of terms

Article 13 agreements (pre-directive agreements, voluntary agreements) – agreements setting up EWCs signed under the framework of Article 13 of Directive 94/45/EC. This article allowed worker representatives and management to conclude agreements before 22/09/1996 (entry into force of the directive) that would be exempted from the requirements of the directive. Such agreements continue to claim their status also if renegotiated after 22/09/1996 (ETUI, 2016a).

Code of Conduct is a set of rules adopted by the multinational companies to regulate its operations globally. Sometimes the Code of Conduct also requires commitment from all the company's suppliers and third-party intermediaries.

European Works Council (EWC) is a standing representation body, which facilitates the information and consultation of employees in European companies and European groups of companies, as required by the 1994 European Works Council Directive (Directive 94/45/EC, updated by Recast Directive 2009/38/EC) (Eurofound, 2019d).

Extended European Works Council is an extension of EWCs to include non-European participants or non-EEA employees as observers. Can be based on an agreement with the central management (for internal and plenary EWC meetings) or on an independent decision of the employee side (solely for internal meetings).

European Framework Agreement (EFA) is a subdivision of transnational company agreement, which has a European scope of application and which is signed by European Trade Union Federations (ETUFs) (Eurofound, 2019e).

European Trade Union Confederation (ETUC) is an European trade union organisation representing workers, formed in 1973. The European Union recognises it as the only representative cross-sectoral trade union organization at the European level. The ETUC is a European social partner and the European Commission consults it when developing social and economic policies (Eurofound, 2019f).

European Trade Union Federation (ETUF) is a trade union organisation responsible for European social dialogue at sectoral level. There are 10 European Trade Union Federations affiliated to the ETUC, which represent workers in individual sectors (ETUC, 2020).

Global Trade Union Network (GUN) is a company-based global trade union network, organised

unilaterally by Global Union Federations. Comprise primarily full-time officers of unions with interests in the MNC around which the network is formed.

Global Union Federation (GUF) is an international confederation of national and regional trade unions organised in specific industry sectors or for particular occupational groups (called International Trade Secretariats until 2000). There are 9 GUFs currently operating.

International Framework Agreement (IFA) is a subdivision of transnational company agreements, which is signed by the Global Union Federations (GUFs) and which has a global scope of application. The IFAs are sometimes referred to as Global Framework Agreements.

International Labour Organisation (ILO) is a United Nations agency whose mandate is to advance social justice and promote decent work by setting international labour standards. It created 189 Conventions, which could be ratified by national governments of ILO member countries and 202 Recommendations (Standing, 2008).

International Trade Union Confederation (ITUC) is an international trade union organisation created after a merger of International Confederation of Free Trade Union (ICFTU) and the World Confederation of Labour (WCL) in 2006.

Metacluster is a term used at German-Co to describe regional committees that form a part of the German-Co Global Trade Union Network.

National Action Plans (NAPs) are policy documents that outline priorities and actions that a state will adopt to support the implementation of commitments with regard to a given policy area. The UN Human Rights Council, European Union bodies, the Council of Europe, individual governments, civil society groups, national human rights institutions and business associations have issued formal statements calling for governments to develop NAPs (National Action Plans on Business and Human Rights, 2021).

Organisation for Economic Cooperation and Development (OECD) is an intergovernmental economic organisation created in 1961. The OECD Guidelines for Multinational Enterprises is a code of conduct in the form of recommendations addressed to governments and multinational companies operating in or from adhering countries (OECD, 2011). These guidelines provide voluntary principles for responsible business conduct consistent with applicable laws and standards recognized globally.

Production channel a term used at Swedish-Co to describe a self-contained autonomous unit of production. Often used in comparison to long production lines that were replaced by production channels. One production channel consists of around 30-40 workers. Production channel team members are required to have a wide range of skills and share responsibility for quality, delivery time, and production flow.

World Works Council (WWC) is a global worker body, which is based on a voluntary written or oral agreement between employee representatives, relevant Global Union Federations and the central management. Based on a bilateral agreement between employees and company management. It is an institutionalised forum. All employee representatives are granted full titular status. In the academic literature, the term Global Works Council is also used.

World Union Council (WUC) is a global worker body, which is based on a voluntary written or oral bilateral agreement between employee representatives, relevant Global Union Federations and the central management. Based on a bilateral agreement between employees and company management. Institutionalised forum. Consists of members of the local trade unions affiliated to a relevant Global Union Federations.

Appendix 2: List of Interviews conducted

Person	Description	Organisation	Country	Type
IndALLEurope-part. 1	Advisor	IndustriALL Europe	Belgium	Expert
IndALLEurope-part. 2	Advisor	IndustriALL Europe	Belgium	Expert
ETUI-part. 1	Researcher	European Trade Union Institute	Belgium	Expert
IndALLGlobal-part. 1 German-Co	Trade union officer, advisor for the German-Co GUN*	IndustriALL Global	Switzerland	Expert
IndALLGlobal-part. 2 Swedish-Co	Trade union officer, advisor for the Swedish-Co WUC*;	IndustriALL Global	Switzerland	Expert
IndALLGlobal-part. 3	Trade union officer (former)	IndustriALL Global	Switzerland	Expert
IndALLGlobal-part. 4 French-Co	Trade union officer; advisor for the French-Co WWC*	IndustriALL Global	Switzerland	Expert
IndALLGlobal-part. 5	Trade union officer	IndustriALL Global	Switzerland	Expert
PSI-part. 1	Trade union officer	Public Services International	France	Expert
Swedish-Co-part. 1	WUC Chairman; Swedish- Co EWC Chairman	Swedish-Co	Sweden	Company
Swedish-Co-part. 2	WUC Vice Chairman; Chairman of the Central Works Council of Swedish- Co	Swedish-Co	Germany	Company
Swedish-Co-part. 3	Swedish-Co Management	Swedish-Co	Germany	Company
Swedish-Co-part. 4	Trade union officer; member of the steering committee;	IF Metall	Sweden	Company
Swedish-Co-part. 5	WUC employee representative	Swedish-Co	Czech Republic	Company

Swedish-Co-part. 6	WUC employee representative	Swedish-Co	China	Company
German-Co-part. 1	German-Co EWC Chairman	German-Co	Germany	Company
German-Co-part. 2	Trade union officer; coordinator for the German-Co GUN	IG Metall	Germany	Company
German-Co-part. 3	Chairperson of the Central Works Council; member of the Supervisory Board of German-Co; member of the EWC executive committee	German-Co	Germany	Company
German-Co-part. 4	EWC employee representative; member of the EWC executive committee	German-Co	Italy	Company
German-Co-part. 5	Speaker of the German-Co Trade Union Chairman Community China	German-Co	China	Company
German-Co-part. 6	Member of the Steering Committee of the unions from the US and Canada	German-Co	USA	Company
German-Co-part. 7	Member of the Coordination Committee of German-Co in South America	German-Co	Chile	Company
German-Co-part. 8	EWC employee representative; member of the Executive Committee	German-Co	Spain	Company
German-Co-part. 9	Member of German-Co Employee Federation	German-Co	India	Company
French-Co-part. 1	WWC secretary	French-Co	France	Company
French-Co-part. 2	WWC employee representative	French-Co	Russia	Company
French-Co-part. 3	WWC employee representative; member of the steering committee	French-Co	Spain	Company

French-Co-part. 4	WWC employee representative; member of the steering committee	French-Co	France	Company
French-Co-part. 5	French-Co Management	French-Co	France	Company

*Three participants from IndustriALL Global act as coordinators and advisors on the GUN, WUC and the WWC in the case study companies. Thus, the decision has been made to include the name of the company that they advise in the interview code. At Swedish-Co, the IndustriALL Global advisor is also a member of the steering committee.

Appendix 3: Interview Schedules

The interview schedules shown are composites and merely provide a general impression of the sorts of questions raised.

Appendix 3.1 Interview Schedule (employee representatives)

1. What is your name and position in the company?
2. What countries are represented on your Global Trade Union Network (GUN)/World Union Council (WUC)/World Works Council (WWC) by employee representatives? Is it a joint management/employee body?
3. How does the GUN/WUC/WWC function and who sets the agenda?
4. How many meetings per year does your agreement provide for? How many meetings have taken place, so far? Where do the meetings take place? When will the next meeting take place?
5. How many employee representatives are full-time trade unionists or work councillors?
6. In your opinion, how useful is the information shared at the GUN/WUC/WWC by management?
7. Does the GUN/WUC/WWC have a steering committee?
8. Do national problems tend to dominate the GUN/WUC/WWC meetings? If so, which countries are mostly discussed?
9. Do you think that your GUN/WUC/WWC has fulfilled a useful function, so far?
10. Is there anything else, which you would like to mention?

Additional Questions:

11. In your opinion, what has been the most successful aspect of your GUN/WUC/WWC? And the most disappointing?
12. How do you report back the information shared at the global meetings to the local unions and employees? Are there any reporting back mechanisms?
13. Have you encountered any language issues at the GUN/WUC/WWC meetings? Does your company provide interpreters?
14. Have you discussed digitalisation/technology related issues? In your opinion, how would you describe the approach adopted by your company?
15. Are there any discussions related to flexibility or flexible working at your company?
16. Has your company negotiated an International Framework Agreement and/or Code of Conduct?
17. In your opinion, what is the role of the International Framework Agreement/Code of Conduct and how effective is it?

Appendix 3.2 Interview Schedule (management)

1. What is your name and position in the company?
2. How does the Global Trade Union Network (GUN)/World Union Council (WUC)/World Works Council (WWC) function and who sets the agenda?
3. Which issues have been raised by the management at the GUN/WUC/WWC?
4. In your opinion, how useful is the information exchanged at the GUN/WUC/WWC?
5. From which countries do the managers come from, who usually attend the GUN/WUC/WWC meetings?
6. Do national problems tend to dominate the GUN/WUC/WWC meetings? If so, which countries are mostly discussed?
7. Do you think that your GUN/WUC/WWC has fulfilled a useful function, so far?
8. In your opinion, what has been the most successful aspect of your GUN/WUC/WWC? And the most disappointing?
9. How would you describe the company's approach to trade unions?
10. Is there anything else, which you think would be important to mention?

Additional Questions:

11. Has your company negotiated an International Framework Agreement and/or Code of Conduct?
12. In your opinion, what is the role of the International Framework Agreement/Code of Conduct and how effective is it?
13. Have you encountered any language issues at the World Union Council meetings? Does your company provide interpreters?
14. Have you discussed digitalisation/technology related issues? In your opinion, how would you describe the approach adopted by your company?
15. Are there any discussions related to flexibility or flexible working at your company? If so, could you provide some examples?
16. Do you think that the GUNs/WUCs/WWCs have an important role to play? Is there anything that could be done to strengthen their position?

Appendix 3.3 Interview Schedule (experts)

1. What is your name and position?
2. What multinational companies do you work with that have global worker bodies such as Global Trade Networks, World Union Councils and World Works Councils?
3. Have these multinationals negotiated any International Framework Agreements?
4. What countries are represented on the GUN/WUC/WWC by employee representatives? Is it a joint management/employee body?
5. How does it function and who sets the agenda?
6. How many meetings per year does the agreement provide for? How many meetings have taken place, so far? When will the next meeting take place?
7. Do national problems tend to dominate these meetings? If so, which countries are mostly discussed?
8. In your opinion, how useful is the information given at the global meetings?
9. Do you think that GUNs, WUCs and WWCs have fulfilled a useful function, so far? In your opinion, what has been the most successful aspect? And the most disappointing?
10. Do you think that these global worker bodies have an important role to play as transnational employee representation structures? Is there anything that could be done to strengthen their position?
11. Is there anything else, which you think would be important to mention?