

Chapter 2

How the Unions Deal with Globalization

Abstract The ways that unions deal with globalization are described. First, a deadly factory fire and factory building collapse in Bangladesh illustrate the dark side of globalization and the how better workplace standards are needed to protect workers in global manufacturing. The unions' traditional approaches—organizing, bargaining, and political action—are then described and evaluated. Non-traditional approaches—the unions' role in coalitions and International Framework Agreements (IFAs)—are then reviewed

Keywords Bangladesh • Work standards • Organizing • Collective bargaining • Jobs bank • Union jurisdictions • Union political activities • NAFTA • Trade pacts • Non-governmental Organizations (NGOs) • Global Union Federations (GUFs) • International Framework Agreements (IFAs)

On November 24, 2012, more than 100 workers were killed in a clothing factory fire in Bangladesh. Unions in the United States were once again reminded of the poor wages and working conditions that often accompanies globalization, and their need to somehow respond to it. Fatal fires at Bangladeshi clothing factories had become routine.¹

The fire destroyed a factory operated by Tazreen Fashions Ltd.—a subsidiary of a company that supplied clothing to the huge Hong Kong-based company Li and Fung²—a buyer for such retailers as Wal-Mart and Sears. (The American retailers claimed not to know that the apparel they sold was made at the factory.) The Tazreen parent company was an initial link in the international supply chain that sends clothing from factories in Bangladesh to stores in Europe and the United States.

¹ For a review of the events leading up to the factory fire and details of the official inquiry, see Banjo (2013), Chiu and Lahiri (2012), Manik and Yardley (2012), and Yardley (2012).

² For a review of the activities of Li and Fung, see Urbina and Bradsher (2013). The company, which specializes in linking low-cost manufacturers with retailers, has been characterized as “on the cutting edge of globalization” (Urbina and Bradsher 2013, 1).

Bangladesh, a major clothing exporting nation, had over 4,500 clothing factories and a minimum wage of \$37 month (the lowest minimum for clothing wages in the world). Effective union representation was nearly non-existent in the Bangladeshi clothing industry. Factory fires had become common, killing nearly 100 clothing workers annually.³

Five months after the Tazreen fire, the Rana Plaza, a factory building on the outskirts of Dhaka, Bangladesh, collapsed, killing 1,129 workers and injuring more than 2,000 (Passariello and Banjo 2013). It overshadowed the Tazreen disaster, but it certainly did not overshadow the cumulative record of fatal factory fires in Bangladesh over the years. The owner of the Rana Plaza, which housed five clothing factories, had not received the necessary building permits (Al-Mahmood and Banjo 2013a). The building collapsed after cracks were found in its foundation and workers were nonetheless told by the factory managers to report to work. Apparently, the five factories stayed open despite warnings about unsafe conditions because they had fallen behind on orders from Western retailers (Al-Mahmood 2013). The building's collapse escalated the rising demands from labor and workers' rights groups, set in motion by the Tazreen fire, for better garment factory inspections.⁴ The tragic factory fire, and the workplace disasters that came before and after it, show us the dilemma of unions as they choose how to respond to globalization. Unions must weigh the protection of their own members' jobs in the United States against the promotion of the workplace rights of those who might take those union members' jobs.⁵

How can American unions respond simultaneously to the dangerous working conditions in Bangladesh and to their own membership losses? Must their response be determined by the possibility of bringing jobs back to the United States, as we saw with the auto industry in the first chapter, or should it be shaped more so by

³ Barely 2 months after the fire at the Tazreen factory, there was a fire at the Smart Export garment factory in the suburbs of Dhaka, killing seven workers. In October 2013, there was another fatal factory fire—a fire at a clothing factory, Aswad Composite Mills, on the outskirts of Dhaka, Bangladesh, killed seven worker (Al-Mahmood and Banjo 2013b; Devnath and Srivaslava 2013; IndustriALL 2013c)

⁴ Establishing unions among Bangladeshi garment workers remains extremely difficult primarily because of intense employer opposition (Barta and Al-Mahmood 2013).

The frustration of Bangladeshi workers resulted in thousands participating in street demonstration against a national government that seemed unconcerned about the need to improve working conditions and raise minimum wages (Editorial 2013). Finally, IndustriALL, a global federation of labor unions, signed an agreement with over 90 apparel companies (with nearly 1,600 factories and more than 2 million workers), imposing workplace standards—*The Accord on Fire and Building Safety in Bangladesh* (IndustriALL 2013b, c, d).

⁵ The US Bureau of Labor Statistics found that, in the American apparel industry, there was 7,855 private business establishments in 2011 (compared with 15,478 in 2001), employing 157,587 workers (compared with 426,027 workers in 2001) (US Bureau of Labor Statistics 2012, 3). In other words, in the first decade of this century, the number of establishments had declined by 49 percent and employment was down by 63 %. A 2013 news release on employment in the clothing industry estimated that 800,000 jobs were lost to foreign clothing factories since 1990 (Davidson 2013).

their concern for hazardous and low-paying work abroad? Can American unions respond to the continuing workers' deaths in Bangladesh (and in other developing nations) and the deplorable working conditions in their garment factories, with their traditional ways of worker representation (i.e., as the voice for American workers at their workplaces and at the bargaining table) or must they take several steps beyond what they usually do? Can the unions be simultaneously altruistic and protectionist, bargaining agents in the United States and promoters and guardians of workers' rights globally?

Unions can confront globalization in either *traditional* or *non-traditional* ways.⁶ In the *traditional* ways, unions try to *defend* against globalization, believing it to be an inevitable economic force whose impact can only be blunted. The unions respond with the ways that they know best—ranging from more and better organizing and the redesigning of organizing territories (the unions' jurisdiction) to negotiating for restrictions on outsourcing and political action aimed at curtailing trade. In other words, traditionalists believe that unions should deal with globalization by doing what they have always done but with greater energy, resources, and determination.

When unions use *non-traditional* approaches, globalization challenges unions to evolve, to appraise, and to possibly adopt new ways of promoting and protecting the interests of workers in the United States and abroad. All courses of action are open for consideration—the unions' mantra becomes “new problems call for new solutions.”

2.1 The Traditional Approach: Union Organizing

I often like to portray union organizing, the unions' recruitment of new members by gaining the rights to represent them in collective bargaining, as the unions running on a treadmill (e.g., Chaison 2006a, b, 2010). When their membership levels fall due to layoffs and plant closings brought on by globalization, unions have to run faster—they have to gain more members just to stay in place. Now, unions must organize hundreds of thousands of workers each year if membership levels are to simply stabilize, and they must organize about 1 million workers annually if union density—the portion of the workforce in unions—is to increase by just one percentage point above its present low levels. In other words, globalization had sped up the treadmill of organizing (Chaison 2010).⁷

⁶ A similar distinction is made by Gordon and Turner (2000a), who argue that unions can respond to the demands of globalization with efforts that range from traditional to innovative.

Also, in Jamieson (2013), Richard Trumka, the president of the AFL-CIO, urges that unions adopt “non-traditional” approaches to worker representation.

⁷ The inability of unions in manufacturing to use organizing to replenish members lost due to globalization is discussed by Richard Trumka, the president of the AFL-CIO, in Jamieson (2013).

Organizing is incredibly difficult—recalcitrant workers must be persuaded to take a chance on collective bargaining even when this means arousing the ire of their employer. Union membership gains are usually small (newly unionized workplaces seldom have more than 100 employees) and expensive (costing about \$1,500 for each new member gained) (Chaison 2010). Most employers strongly oppose union organizing, not infrequently by illegally discharging or otherwise intimidating union supporters. The law of organizing stipulates that unions be certified as bargaining agents only after demonstrating majority employee support, usually through secret-ballot elections; critics claim this turns election campaigns into forums for intense employer opposition (Rose and Chaison 2001; Chaison 1996, 2006a, b). Globalization gives employers a powerful way to intimidate workers during union organizing drives. An employer might claim that if a union wins the right to represent the workforce, the plant will relocate abroad; this threat is particularly credible if much of the industry have already fully or partly relocated, as many have in light manufacturing (Piazza 2002).

Table 2.1 shows the declining union movement since 1983, the first year of the most recent membership data series. We see private union density falling by nearly 10 % points (from 16.5 to 6.6 %) and a loss of nearly three and a half million union members in private employment. Even those industrial sectors that we usually think of as having a strong union presence—construction, manufacturing,⁸ and transportation and utilities—have relatively low and falling density rates (13.2, 9.6, and 20.6 % in 2012, respectively). In government employment, union density increased, primarily because public employers cannot discharge or threaten workers during organizing drives—to do so would be politically unwise—and they often do not have the option of moving their operations abroad or subcontracting work to private non-union companies (Chaison 2006a, b).

As I suggested earlier, a revival of the manufacturing sector will not create a fertile field for union organizing. Global competition in manufacturing would raise employer opposition to unionism as employers must confront the gap between the higher domestic (union) compensation and the lower foreign (usually non-union) compensation. These employers would see unionism as a clear impediment to the competitiveness and they would oppose union organizers with great fervor.

Because membership losses are now overwhelming, unions find it difficult just to run in place on the “treadmill of organizing” and completely cover membership losses (Greenhouse 1999; Chaison 2012; Jamieson 2013). To grow, i.e., to achieve net membership gains, unions must ramp up organizing by hiring more organizers while devoting larger shares, half or more, of their operating budgets to organizing

⁸ By August 2013, there were some signs of a recovery of production and sales in the manufacturing sector. Manufacturing seemed to be regaining its competitive edge and as work returned to the United States or expanded, employment might also increase. This does not mean, however, that there will be corresponding increases in union membership or union density in the manufacturing sector. Employment growth is predicated on employers becoming smaller and more flexible, or hiring more part-time temporary workers who tend not to be attracted to collective bargaining and unions (Hagerty 2013).

Table 2.1 Union membership in the United States, 1983, 2012

	Year	
	1983	2012
Total union membership (thousands)	17,717	14,366
Total employees covered by collective agreements (thousands)	20,532	15,922
Union membership as a percent of total employees in:		
Private sector	16.5 %	6.6 %
Public sector	30.0 %	35.9 %
Selected industries		
Construction	28.0 %	13.2 %
Manufacturing	25.9 %	9.6 %
Transportation and utilities	49.9 %	20.6 %

Source Hirsch and Macpherson (2013)

(most presently allocate less than 10 %) (Chaison 2006a, b). Salient issues must be identified if unionism is to appeal to workers who tend to be risk averse in regard to collective bargaining and strikes. Moreover, because organizing is so important and expensive, many small unions believe they must merge into large unions that have greater resources and financial stability (Chaison 1986, 1996).

A devotion to organizing is like a badge of honor for unions. In their Web sites, unions take great pride in the highlights of big organizing victories. They provide data on recent membership growth through organizing, recruit organizing staff, and describe the diverse membership they have due to organizing. Unions present themselves as actively and successfully organizing in intense struggles with militant employers (Chaison 2006a, b). But despite this bravado, the number of new union members gained through organizing falls far short of those needed to offset membership losses. For example, the National Labor Relations Board (the government agency administering and enforcing of the law of union organizing) conducted 1,691 representation elections in 2009 (United States National Labor Relations Board 2010). Unions won 63.8 % of these and gained the right to represent 77,000 workers, of which only about 70 % will be in cases in which unionism reaches full fruition and stability (i.e., union successfully negotiate their first collective agreements). But roughly 90 % of workers covered by collective agreements actually join the union that represents them. In other words, in 2009 unions most likely gained less than 50,000 new members through representation elections, and this year’s organizing gains are not significantly different from those of other recent years (Chaison 2006a, b). If half of the new union members are gained through representation elections with the remainder gained through voluntary employer recognition of unions or other non-labor board approaches to organizing (as estimated by Chaison (2006a, b)), the unions are gaining only about 100,000 new members each year, less than a quarter of those need to stabilize union membership levels (Chaison 2010). There is no evidence that union organizing has increased significantly since 2009 (Chaison 2012).

If unions cannot grow by organizing workers spread over a number of industries, they can at least lessen their vulnerability to the severe membership losses caused by the global expansion of companies in their primary jurisdiction (e.g., apparel, steel, autos) (Chaison 2006a, b). Like investors in the stock market, unions see benefit in having diversified portfolios—but *diversified portfolios of members*. They can protect themselves against sudden membership losses by having a portfolio of members that includes many workers who are minimally affected by global competition (like protective services, health care, or educational workers). Indeed, union officers will proclaim that simply getting bigger is not good enough anymore. Unions must be smart in the ways that they get bigger; they should formulate membership jurisdictions (their organizing territories)⁹ that give them access to growth industries or even adopt unlimited jurisdictions (like the Service Employees or the Teamsters do) that enable them to organize workers wherever they want. For many unions, particularly the smaller unions boxed into narrow membership jurisdictions, this can only be done by merging into a large union (Chaison 1986, 1996). For other unions, it means organizing where they have not before (for example, the United Auto Workers organizing casino workers, nurses, and municipal and higher education workers (Glynn 2013; Jaschik 2013)). In other words, unions may find that they have to redefine their jurisdictions as a first step to defending against globalization. But as an essential further step, unions must go on offensive—to revive organizing activity in their new jurisdictions they must invest heavily in big organizing campaigns and hiring and training more organizers.

In rare instances, unions abroad may form alliances with American unions that are organizing. IG Metall, a large German manufacturing union, came to the aide of the United Auto Workers during an organizing campaign at a 1,600-worker Volkswagen plant in Chattanooga, Tennessee. Representatives of the German union talked to workers about the possible creation of a union-management committee to deal primarily with work rules (a works council) if the UAW wins the campaign. IG Metall has considerable influence with Volkswagen because under German law, the union has representation on the company's committee of directors (Boudette 2013; Chiamonte 2013; Flessner and Pare 2013; German Union Backs UAW Efforts at VW Chattanooga Plant 2013; German Union Supports UAW's Push at VW Plant 2013; Hyde 2013; Jenkins 2013; Kiley 2013; Morrison 2013; UAW Talking with VW About Chattanooga Plant Labor Board 2013; Woodall and Seetharaman 2013).

The president of IG Metall declared: "We strongly recommend that eligible employees at Volkswagen Chattanooga decide that the UAW should represent them..."

⁹ An organizing jurisdiction is a union's statement of the job territory that it claims the right to organize and represent in bargaining (Chaison 2006a, b, 41). Descriptions of jurisdictions are found in union constitutions, though some unions do recruit members beyond these and others may claim expansive jurisdictions (e.g., all workers in all private sector industries) for future growth even though they are not presently capable of organizing the workers claimed (Chaison and Dhavale 1990).

(German Union Supports UAW's Push at VW Plant 2013). This organizing drive is unique because it seeks to first create a plant-level union-management committee that deals primarily with work rules (a works council) and only later try to build a collective bargaining relationship.¹⁰ The union alliance aims to fuse of the German and American labor relations systems in hopes that works council arrangements will inspire a collective voice for workers (union representation) in other transplant German car plants, like Mercedes (Azok 2013; Boudette 2013; Isidore 2013b; Thurlow 2013; UAW Sets up Website to Organize Mercedes Plant in Alabama 2013). There is, however, no legal status for works council arrangements in America similar to organizing for collective bargaining (Priddle 2013).¹¹ Moreover, such transnational cooperation remains the exception rather than the rule in organizing, primarily because unions see little to gain for themselves—Why help a union in another country (the USA) organize when it can do little or nothing in return (which is so often the case)? Is it worthwhile to invest funds and staff in organizing drives that may never be reciprocated? And finally, all must understand that the eventual success of an organizing drive in the United States will be determined by a strong faith in unionism and collective bargaining by the majority of a workforce at a workplace, not by the power or persuasiveness of an offshore ally. What American unions need to deal with the impact of globalization on membership levels is a tall order—more organizing activity, more organizing victories, and new and more diverse organizing jurisdictions and for some, the greater organizational stability and financial strength possible by merging.

2.2 Collective Bargaining

Many unions believe that their primary response to globalization should be a strong and focused one—through collective bargaining in which working conditions and the compensation are negotiated by union and management and incorporated into legally-binding documents. Bargaining is what America's unions consider they do best, what they have always done, and what they do every day. All union activities are directed toward bargaining. Unions organize groups of workers so that employers will be compelled to bargain with them, and they engage in politics primarily to strengthen their hand in bargaining (Chaison 2006a, b).

¹⁰ In September 2013, eight workers at the VW plant filed charges with the National Labor Relations Board claiming that when they signed authorization cards only for a secret-ballot union certification election. They said they were not actually supporting the union and their cards should not be interpreted as such. These charges show how contentious the organizing drive at the Chattanooga assembly plant had become (Nelson 2013).

¹¹ In 2013, Volkswagen had 103 manufacturing plants worldwide, and only three of them (the Chattanooga plant and two plants in China) did not have work councils.

There are roughly 180,000 collective bargaining agreements in the United States, each negotiated by union and management committees and each enforced by a complex system of grievance committees.¹² Bargaining is decentralized in the United States, most often occurring on a plant-wide or company-wide basis, rather than on a national or industry-wide basis (Katz 1993; Western 1997; Vance and Paik 2006). There are also large non-union sectors in virtually all industries (Chaison 2006a, b), and this makes unions vulnerable to employer threats during bargaining to shift work to their non-union domestic operations, be they abroad or in the United States (Rose and Chaison 2001).

In collective bargaining, we see the full gamut of union responses to globalization. At one (fairly rare) extreme, unions can negotiate clauses that prohibit the outsourcing of work done by union members (Piazza 2002). But midway through the range of approaches, outsourcing is not blocked directly but made expensive so it will be much less likely. In one way of doing this, unions can require that employers continue to pay wages and benefits to workers displaced by globalization. For example, the United Auto Workers created the notorious (i.e., widely criticized) Jobs Bank¹³ in its 1984 negotiations with the Detroit Three, requiring employers to continue to pay workers who are laid off. The program was started at a time when the Detroit Three sought to introduce flexible manufacturing processes to raise productivity, reduce production costs, and become more competitive globally.¹⁴ The union believed that while greater employer flexibility in staffing and compensation could not be completely blocked, at least it should come with a cost. Workers due to be laid off would be transferred to the Jobs Bank for possible reassignment and receive up to 85 % of full pay and benefits while they searched for comparable work. By 2006, there were 15,000 workers in the Jobs Bank program who simply showed up and were paid. Over the years, the Jobs Bank was scaled back step by step—rules were changed so that workers could remain in the program for a maximum of 2 years and there would be a limit on the number of times that workers in the program could refuse job assignments. By 2008, most of the workers in the Jobs Bank accepted buyouts to leave their company, and in 2009, the Jobs Bank was eliminated completely because it seemed to the union and the Detroit Three to be too extravagant for companies on the edge of bankruptcy (Lott 2008; Isidore 2009; Ramsay and Green 2009; Szczesny 2011). Despite the deterrent role of the jobs bank, the auto industry eventually did become thoroughly globalized and US auto employment was cut substantially, as we saw in the preceding chapter.

¹² Chaison (2006a, b, 107–108) estimates that since the average duration of the 180,000 collective bargaining agreements is about 3 years, there are about 60,000 negotiations each year.

¹³ This has also been called the *Job Bank*.

¹⁴ The Jobs Bank was partly intended to match the job security plans of the transplant auto makers. For example, at its transplant operations Toyota had volunteered to continue to pay workers who lost jobs after plant shutdowns (Lott 2008).

Finally, at the other end in the range of reactions to globalization through collective bargaining, unions try to deal with the so-called *race to the bottom* (the pressure to lower wages and working conditions to meet global competition)¹⁵ by narrowing the gap between their wages and benefits and the lower ones of workers in other countries. The gap is usually so large that at best it can be narrowed but never closed entirely. For example, Rattner (2011, 1) reported that: “A typical General Motors worker costs the company about \$56 per hour, which includes benefits. In Mexico, a worker costs the company \$7 per hour; in China, \$4.50 an hour, and in India, \$1 per hour.” The company’s response to this gap has been to shift work away from the United States, and the UAW’s response has been to negotiate cuts and freezes that can narrow the gap.

Employers pressured unions into *concession bargaining* (also called *concessionary bargaining* or *give-back bargaining*)—negotiations that cut or freeze wages and employee benefits, that relax restrictive work rules, and/or impose two-tier wage or benefits systems (under which newly hired workers receive less than that of present workers doing the same jobs) (Chaison 2009, 2012).

Concession bargaining was widespread in the United States in the 1980s, primarily among newly deregulated industries (e.g., airlines and trucking) and companies facing intense global competition (e.g., clothing and steel producers), and it receded in the 1990s (Bell 1989; Rose and Chaison 2001). But Chaison (2012, 14) showed that concession bargaining reemerged with even greater force at the turn of this century. His review of over 7,000 collective agreements from between 2000 and 2010 revealed that “18 %...had some sort of wage freeze and 16 percent had lump sum payments.”

This new wave of concession bargaining began in the highly competitive airline industry, but quickly spread to auto making and other manufacturing companies that face low-cost international competition, and it then took hold in public employment, where the severe economic recession and declining tax revenues forced local and state governments to cut costs, or cut employment, or do both. The first wave of concession bargaining was based on union assumptions that if they agreed to less, employers would not cut jobs, and that concessions were emergency measures needed only once, and would not have to be repeated (Chaison 2006a, b). But the second wave of concession bargaining, the one beginning at the start of the twenty-first century, came with no such assumptions, and it was called *ultra-concession bargaining* because of its severity and scope (Chaison 2012). There was also no mutual understanding that one round of

¹⁵ Peters (2002) used the term *regime shop* to denote the race to the bottom. He wrote: “Many corporations now ‘regime shop’, looking for countries with the lowest labor and social costs, and demanding that national governments similarly reduce their domestic costs to induce them to stay” (Peters 2002). Also see the University of Iowa Center (2013).

Traxler et al. (2008) observed how the cross-border mobility of capital enables employers to engage in regime shopping by relocating production to what seems to be the most favorable labor market regime.

concessions would suffice and not have to be repeated in bargaining (Chaison 2012; Hobbs 2013).¹⁶

The objective of ultra-concession bargaining is to narrow the gap between the labor costs of unionized workers in the United States and those of workers abroad (Chaison 2012). If the gap can be narrowed, jobs *might* not be lost. But if concessions are not granted in bargaining, employers argue, jobs will *surely* be lost (Piazza 2002). Thus, the unions' goal in bargaining would be to give up the least while saving as many jobs as possible and narrowing the labor cost gap (Piazza 2002; Chaison 2012).¹⁷

Finally, in the rare case, collective bargaining might actually be used to *reverse* outsourcing by creating *insourcing* and bringing jobs back to the United States. For example, in 2011 the UAW negotiated with General Motors to reopen a plant in Spring Hill, Tennessee, that had been closed when the company was in bankruptcy. The union also negotiated an agreement with Ford in 2011 to invest \$16 billion in the production of small cars in the United States rather than abroad, with plans to create 12,000 by 2015 (Waldman 2012). Despite these job-creating and job-returning faces of collective bargaining, globalization most often put unions on the defensive in bargaining, as they strive to narrow the labor cost gap sufficiently to save jobs.

2.3 Political Action

The third avenue of traditional union activity is political action. Since their earliest days, American unions have been involved in politics, usually by rewarding their friends and punishing their enemies rather than supporting a separate workers' party, which might lose elections and isolate the unions from mainstream politics (Chaison 2006a, b).¹⁸ Unions have turned to politics to curb the impact of

¹⁶ Concession agreements also tend to last longer than other collective agreements. Chaison (2006a, b, 117) concluded that "A sure sign of concessionary bargaining is long-term collective agreements: Management wants to save more by locking in concessions for a longer period than the usual contract duration." In 1990, almost 80 % of collective bargaining agreements expired in three years or less. By 1997, the proportion fell to about two-thirds, and the percent of longer-term agreements, those lasting 5 years or more, rose from 6 to 8 %.

¹⁷ Perhaps the most dramatic recent attempt at concessionary bargaining was in the 2013 negotiations between Boeing and the Machinists. Boeing insisted on reopening a collective bargaining agreement and extending it for 8 years with the elimination of the pension plan for new workers. If the union rejected this, the company threatened to move the production of a new airplane, the 777x, to South Carolina, where the chances of unionization were much lower than it its production facility in Washington State. The workers defiantly rejected Boeing proposal by a vote of 67 percent, despite the near certainty of job losses (Isidore 2013a; Reuters 2013a, b; The Boeing Machinists say no. 2013).

¹⁸ For a review of the impediments to fuller union political activity by organizing workers for political issues, see Sachs (2013).

globalization by backing candidates who favor union-friendly and domestic worker-friendly laws. They sponsor political rallies and “get out the vote” by contacting and helping voters to the polls (the so-called *ground game* of politics at which unions excel (Chaison 2006a, b). Every year, unions promote labor law reforms that would make organizing cheaper and easier or that would create jobs for union members. Unions also campaign *against* legislation that might limit the scope of collective bargaining, prohibit compulsory union membership, or even require that unions regain their certification each year or lose their bargaining status. They support laws (and the appointment of labor board members) that increase the scope of workers who can be organized and that enable unions to attain bargaining rights without having to go through certification elections (for example, by proving their majority support from workers by showing signed membership cards).

Unions can devote their political energies to promoting the passage of domestic content laws, i.e., laws that assure that consumers will be made aware of the foreign content of products they might buy and that imposes specific content requirements before a product can be said to be “Made in America”¹⁹ (e.g., the American Automobile Labeling Act, the Textile Fiber Products Identification Act, and the Wool Products Labeling Act). The underlying assumption is that most consumers would prefer to avoid products that are made abroad once they learn of them, and consequently, employers would see value in producing goods domestically. But there are some serious limitations here. First, the approach is indirect—it relies on the sympathies of consumers; consumers may be unconcerned and buy imports that they believe have the best price and quality (We have seen this in the prior chapter, when automakers can have cars with a majority for foreign-made components and still have best-selling cars in the domestic market). Second, these laws assume consumers have access to alternatives. This is not so in many industries where all or nearly all products are made abroad (such as cameras and personal computers) and imports cannot be avoided by even the best-informed and persistent consumers. Finally, even if consumers boycott foreign-made products and purchase only those made domestically, this might not necessarily create union growth because of the expansive non-union sectors in most industries. In other words, unions might be using their political clout to create non-union jobs.

Unions could also use their political influence to directly discourage globalization (Chaison 2006a, b). A perennial favorite has been anti-outsourcing bills, which punish companies for “shipping jobs overseas,” usually by changing the tax code; these bills are commonly rejected by Congress because they are so blatantly anti-free trade by restricting the right of American-based companies to operate abroad (e.g., Morrison-Foerster 2005; National Foundation for American Policy 2007; Montgomery 2010; Cacho 2012; Kennedy 2012). Alternatively, unions might demand that certain percentages of goods and services be the result of

¹⁹ For a description of the “Made in America” standard, see United States Federal Trade Commission (2013).

American labor, but such local-content provisions are often prohibited under the rules of the World Trade Organization as impediments to open markets and free trade (SEIA 2013).

Sometimes union lobbying to curtail imports in specific industries may have unintended consequences. For example, in 1981, the governments of Japan and the United States, under intense political pressure from American unions and car-makers, reached a “voluntary restraint agreement” that limited the number of Japanese autos imported into the United States over the next three years. The agreement was intended to reduce the impact of imports on auto production, sales and employment during a severe economic recession. While the restraints did successfully limit imports and saved jobs in the short run, it had the unintended consequence of giving the Japanese producers greater reason to open plants in the United States and produce domestically. The restraints on imports lead to the creation of the non-union transplant auto factories that were discussed in the [Chap. 1](#) (Sousa 1982; Tagliabue 1995).²⁰

The American steel industry has had a long history of trying to deter what it believed to be unfair competition from government subsidized producers in Asia, Europe, and Latin America (Hufbauer and Goodrich 2001; Berringer et al. 2007). The industry’s major union in the United States, the United Steelworkers of America, joined in a coalition with the American Steel and Iron Institute, a trade association of the steel industry, and Big Steel (the major steel producers). After some intense political lobbying, the coalition won quotas on steel imports from Europe and Japan for 1969–1974 (Berringer et al. 2007). The quotas were lifted despite intense union and employer lobbying to continue them, and by the late 1990s, there was a worldwide overcapacity in steel production. American unions and domestic steel producers, speaking in unison, again claimed that steel was being dumped at less than production cost in the United States.²¹ Congress and the Bush White House responded with legislation that limited imported steel. This was successfully countered by overseas producers who threatened to impose their own trade restrictions. Rather than start a trade war, the import barriers were lifted in the United States.

Unions, acting alone or through coalitions, might use their political power to defeat trade pacts, which would encourage more imports. Perhaps the best example is the huge but eventually unsuccessful union-led campaign against the North American Free Trade Agreement (NAFTA) in the early 1990s. NAFTA promoted unrestricted trade between the United States, Canada, and Mexico. American unions feared that it would lead to huge domestic job losses and saw it as the embodiment of rampant anti-unionism, corporate greed, and employer efforts to

²⁰ The Japanese car-makers also shifted more production abroad to protect themselves against fluctuations in the Yen which when dominant in determining total operating costs and too high could substantially cut into profits (Koh and Takahashi 2013).

²¹ Dumping occurs when an industry sells abroad cheaper than at home (Hufbauer and Goodrich 2001, 3).

shift work to Mexican plants (Chaison and Bigelow 2002).²² In their carefully orchestrated campaign against NAFTA, unions allied themselves with environmentalist, anti-poverty, consumer protection, religious, women's, farmers,' students,' and public policy organizations (Chaison 2006a, b). They managed to turn the debate over NAFTA into a national discussion of the costs and benefits of free trade in general. The anti-NAFTA forces believed that it would serve as the model for future trade agreements (Villarreal and Ferguson 2013). They eventually lost in the battle against the NAFTA, but they did manage to raise the public's awareness of (and disapproval of) unrestricted global trade (Chaison and Bigelow 2002; Porter 2012). The anti-NAFTA forces found their campaign blunted by the Clinton Administration's addition of a labor side agreement that would gave workers the right to unionize and barred worker exploitation. The inclusion of the side agreement, which was not directly enforceable with the remainder of the agreement, won over enough votes in Congress stop the anti-NAFTA campaign of unions and their allies (Chaison 2006a, b).

The use of their traditional approaches—organizing, bargaining, and politics—has America's unions approaching globalization as an economic force to be reckoned with because it decreases union size and influence. Their reliance on their tradition methods is defensive and provides little comfort to workers beyond the scope of the unions, like the Bangladeshi clothing workers, described at the start of this chapter.

2.4 The Non-traditional Approaches: First There were the Coalitions

Many of America's labor unions are trying something different—something very European.²³ They are entering into coalitions with unions in other countries and with other NGOs (non-governmental organizations) to achieve shared goals (Gordon and Turner 2000a; Chaison 2006a, b).

There are roughly 1.5 million NGOs in the world—organizations such as those formed for political advocacy in foreign policy or health care, and the promotion

²² NAFTA was approved by Congress on November 29, 1993, with an implementation agreement signed by President Clinton on December 8, 1993. It has been in effect since January 1, 1994, and created the world's largest free trade area (United States Trade Representative 2004; Villarreal and Ferguson 2013).

By 2013, the United States has free trade agreements with 20 countries (see Villarreal and Ferguson 2013).

²³ See, for example, the discussion of European cross-border collective bargaining coalitions in Gollbach and Schulten (2001).

and protection of women's rights (Roy 2008; Humanrights.gov 2012).²⁴ Many NGOs have a natural affinity with labor unions; both types of organizations are concerned about raising wages, increasing the availability of employee benefits, and promoting safer workplaces and avoiding workplace tragedies like that at the Bangladeshi clothing factories, described earlier. Unions gain from the high credibility of NGOs, and NGOs can take advantage of the unions' expertise on workplace issues. But unions have to convince NGOs that they can make important contributions to joint efforts, and they have to convince their members that there is something to be gained by working with NGOs rather than by themselves (Schmidt and von Ossietzky 2007).²⁵

Unions gain power, notoriety, and social relevance by allying themselves with other unions and with NGOs and becoming one among many organizations striving for a work-related goal. Their new power extends well beyond the workplace where they serve as bargaining agents. We already saw how unions worked through coalitions to apply political power and to restrict steel and auto imports and fight NAFTA. Coalition activity can fortify the unions' traditional approach toward globalization (by helping them in organizing, bargaining, and politics), but in the future it might become their primary approach for accomplishing broader goals.

Among the earliest and best-known international labor coalition was that of the United Mine Workers of America and several South African unions and NGOs against oil companies operating in South Africa.²⁶ Royal/Dutch Shell was initially targeted because, the unions and their allies claimed, the company exploited Black slave labor in its mines and promoted apartheid (Cronin 1986; Dolan 1986; Bronfenbrenner 2007a). The oil company was selected for the global boycott because it was large and prominent in the industry, and oil was crucial to the South Africa's economy. The boycott was successful in reversing the joint efforts of the South African government and transnational corporations to deny full political, economic, and social rights for many South African workers. It became a prime example of how common front of unions and NGOs can create pressure across borders. As Bronfenbrenner (2007a, 4–5) summarized the new ways of thinking evolving from the Shell Boycott:

²⁴ NGOs have been defined as “value-based organizations that depend in whole or in part, on charitable donations and voluntary service,” or, in the broadest sense, “any non-profit organization that is independent of government” (Leverly 2013, 1).

²⁵ See Kryst (2012) for an analysis of the roles of unions and NGOs in alliances in Germany to restrict the use of sandblasting in the manufacture of distressed jeans—the Clean Clothes Campaign.

²⁶ For a review of the history of the links between European labor unions and NGOs, and its role in balancing the power of transnational corporations, see Gallin (2000). Also see Compra (2004) for a discussion of alliances between unions and NGOs.

As American unions increasingly reach goals by forming and working through coalitions, they will find that their work mimics that of Europe's coalition-oriented unions (e.g., Tattersall 2006, 2011; Rechenbach and Cohen 2002).

For too long most union members and their leaders tended to see their collective bargaining environment as truly limited by the national boundaries of their own labor laws and the interests of their dues-paying members. Even as more of the employers they dealt with became foreign owned or had foreign operations, and as nearly every industry in every part of the world was faced with having jobs outsourced from higher wage countries to lower wage countries, unions continued to think of themselves as part of a national, not international, labor movement.

The Shell campaign showed what could be accomplished against a government and its corporate allies when unions find common cause among themselves and with other organizations.²⁷

Coalitions that target and expose companies with poor working conditions rely on their ability to tarnish valuable company images.²⁸ As Comprá (2004, 2) observed: “A company’s image can also become its Achilles’ heel if consumers are made aware of abusive practices in factories that produce the goods they produce. In the USA, trade unions and NGOs have collaborated in consumer awareness campaigns....”

During organizing drives, unions might be helped by international coalition partners. For example, when the United Steelworkers was organizing a new plant in Alabama owned by ThyssenKrupp, it allied itself with the German union IG Metall (United Steelworkers of America 2012).²⁹ When the United Food and Commercial Workers organized H&M, a large chain of retail stores based in Sweden, it received a neutrality pledge from the company by working with the labor federation—UNI Global (Uchitelle 2010). And when the Communication Workers of America launched an organizing drive at Deutsche Telecom’s US subsidiary T-Mobile, it sought the help of its German counterpart Ver.di. (Uchitelle 2010).

Though international coalitions might assist in union organizing, they are less effective for the representation of American workers. Coordinated bargaining through coalitions on a transnational basis is fraught with difficulties because, as mentioned earlier, collective bargaining in the United States is highly decentralized and usually done at the plant or company level, not the industry level.

²⁷ This campaign, and others over the years against multinational companies, demonstrated not only the importance of forming union-NGO alliances but carefully researching a) corporate strategies and the linkages between multinationals and government agencies and b) the most potent community and national issues (Juravich 2007).

²⁸ For example, after the Rana Plaza fire in Bangladesh in 2013, the United Steelworkers of America joined with a coalition of students, unions, and community groups in a global day of protest (June 29, 2013) at Gap and Wal-Mart stores to demand that these companies boycott goods made under sweatshop conditions. The result of the demonstration was not a huge boycott, the unionization of the stores, the growth of the Steelworkers, or dramatic changes in work standards in Bangladesh, but rather a great deal of publicity about and the need for the suspension of Bangladesh’s preferential access to US markets (USW applauds.... 2013).

²⁹ ThyssenKrupp will be ending its American operations. The possibility of becoming unionized was not mentioned as a cause for the sale of the ThyssenKrupp’s Alabama plant but rather the company believed that it had overexpanded and must close unprofitable operations.

National work standards are hard to impose, and international standards are far more difficult. Potential coalition partners understand how most American unions represent workers in only parts of industries—and usually small parts—and they realize that they can do little to change this (Hamanel 2013; Maher 2013b).

2.5 And then there were International Framework Agreements

Some companies voluntarily refrain from the race to the bottom by having written and voluntary codes of conduct under which they might pledge to uphold the basic rights of their workers and those of their suppliers (e.g., the freedom of association, the right to engage in collective bargaining, the prohibition of child and coerced labor, etc.).³⁰ But union activists commonly see codes of conduct as mostly public relations efforts (Hammer 2005; Hellmann 2007; Stevis and Boswell 2007; Stevis 2010; Gleichman 2012). Unions have allied themselves with Global Union Federations (GUFs), negotiated with multinational companies, and entered into International Framework Agreements (IFAs), more powerful and broader based than codes of conduct.

The fundamental objective of IFAs is to ensure that international labor standards are maintained in all facilities related to the company (Telljohann 2009;

³⁰ Heathfield (2013, 1) defined a code of conduct as “a written collection or rules, principles, values and employee expectations, behavior and relationships that an organization considers significant and believes are fundamental to their successful operation.”

For a review of the development of codes of conduct, see Murray (2013). Codes of conduct have been defined as “self-imposed ethical credos [that] set out basic policy standards to guide employees and officers, but ...also serve to assure consumers that the products that they purchase come from a principled organization” (Revak 2012, 1645).

These codes might result from company attempts to relieve pressure from consumers and stockholders groups to enforce workers’ rights as well as to gain ISO 26000 status (an international standard of social responsibility) awarded by the International Organization for Standardization. For appraisals of codes of conduct, see ICFTU (2002), Sethi (2002, 10–11) and Cragg (2005).

Codes of conduct are typically quite wordy and seemingly comprehensive. For example, the Code of conduct of Caterpillar, *Our Values in Action*, covers 32 pages with individual sections on integrity, excellence, teamwork and commitment that cover such issues as conflicts of interest, risk management, respect and non-harassment, and personal, improper payments, personal responsibility, privacy, and the development of an “enterprise point of view.” Yet it does not guarantee the employees’ right to form and join unions, the right to strike, and the ability to process grievances (Caterpillar 2010).

One variant of codes of conduct are codes of ethics that relate to the behavior of corporate boards of directors. For example, AT&T’s Code of Ethics/Corporate Governance has sections relating to honest and ethical conduct; conflicts of interest; compliance with laws and regulations; reporting and accountability; the protection of confidentiality, fair dealing with customers, service providers, suppliers, competitors and employees; the protection and proper use of company assets, and investor relations (AT&T 2013).

Eurofound 2013). IFAs are negotiated *bilaterally*—this distinguishes them from codes of conduct which are *unilateral* (Stavis and Boswell 2007; Coleman 2010). Also, an IFA negotiation committee (staffed with representatives of national unions and GUFs and representatives of multinational corporations) can be used to police agreements by meeting regularly and carrying out inspections to see if an IFA has been carried out (Bourque 2008).³¹ IFAs have been signed by such well-known multinational corporations as IKEA (home furnishings and housewares, headquartered in Sweden, signed in 1998); Skanska (construction, Sweden, 2001); Carrefour (retail groceries, France, 2001); Volkswagen (auto manufacturing, Germany, 2002); Bosch (auto parts manufacturing, Germany, 2004); Renault (auto manufacturing, France, 2004); Lukoil (energy and utilities, Russia, 2004); and BMW (auto manufacturing, Germany, 2005) (Hammer 2005).

Exhibit 2.1 compares IFAs and company codes of conduct and shows how key characteristics of IFAs are their negotiation and comprehensiveness and their periodic review (Hammer 2005; Stevis and Boswell 2007). Codes of conduct tend to be one-sided in creation and enforcement, but, like IFA's, their legal enforceability is uncertain (Revak 2012). Negotiations over IFAs end in settlements because otherwise strikes might be threatened by unions or, more common, unions and their allies could engage in international publicity campaigns that damage company reputations and hurt profits (Gallin 2008; Coleman 2010).³²

It must be appreciated that IFAs have both positive and negative features. On their positive side, IFA's agreements include the core labor standards of the ILO³³ and they usually have some type of a monitoring system in which there is a meeting (held at least annually) to discuss and resolve possible violations.³⁴ In other words, IFA's are not only comprehensive; their adherence is subject to

³¹ IFAs are most often negotiated with Europe-based multinationals (Hammer 2005).

In 2007, Stevis and Boswell (2007) reported that all but seven of the 55 IFAs signed by that year were with companies headquartered in continental and Northern European countries (e.g., 15 German, 9 French, and 6 Swedish).

For case studies of IFAs in energy, telecommunications, and garment and textile companies, see Niforou (2012).

³² There are no available figures on unsuccessful negotiations for IFAs.

³³ For a review of the labor standards and development of the ILO and its potential role in affecting the impact of globalization, see ICFTU (2002), and Hammer (2005).

The core labor standards are as follows: freedom of association and protection and recognition of the right to organize (passed in 1948); the right to organize and collective bargaining (1949); elimination of all forms of forced or compulsory labor (1930); abolition of forced labor (1959); elimination of child labor and imposition of a minimum age (1973); child labor (1999); equal remuneration (1951); and elimination of discrimination in respect to employment and occupation (1958) (Bourque 2008). The United States is obligated to respect and promote the ILO's principles (ILO Declaration.... 2007).

³⁴ Complete copies of IFAs can be accessed on a searchable database (see European Commission 2013).

Exhibit 2.1 A comparison of company codes of conduct and international framework agreements

Codes of conduct	International framework agreements
1. Unilateral initiatives	1. Negotiated between labor and corporate management
2. Does not necessarily recognize all core labor standards	2. Recognizes all core labor standards
3. Rarely covers suppliers	3. Usually covers suppliers
4. Usually does not have a monitoring system	4. Unions are usually involved in a formal monitoring system
5. Weak basis for a union-management dialog	5. Strong basis for union-management dialog

Source International Metal Workers Federation (2013)

periodic scrutiny. But as a way for unions to respond to globalization, IFAs also have a two major drawbacks; first, as mentioned earlier, they may not be legally binding (Gibb 2006; Stevis and Boswell 2007; Coleman 2010; Eurofound 2013), and second, they are negotiated from the top down—they are drafted and negotiated by union leaders and only then presented to members (This would be anathema to American unions which pride themselves on being participative and democratic). Third, IFAs are not imposed by any national or international court or labor tribunal, and so employers, if they want, could violate them with impunity. Moreover, companies can always belittle IFAs after agreeing to (and violating) them by arguing that they were forced on workers and are not democratically determined (Gibb 2006).³⁵

GUFs, the unions' partner when negotiating IFAs, are truly international union structures serving as counterweights to multinational companies (Ivanou 2012).³⁶ Each GUF has its own Web page with details on its affiliates, disputes, settlements, general policies regarding such issues as gender equality, multinational firms, as well its structures and governing bodies.³⁷ Exhibit 2.2 lists the GUFs with their affiliated unions and membership.

³⁵ Coleman (2010, 602) observed that International Framework Agreements are not collective bargaining agreements but function similar to neutrality agreements in the United States. They remove employer hostility as a factor affecting employees' decisions to unionize. Moreover, because they eliminate the employers' motivation to relocate to where there are low labor standards, they reduce concerns about the race to the bottom.

³⁶ The only other so-called international unions are actually continental unions, having headquarters and most members in the United States and some members, less than a majority, in Canada (Rose and Chaison 2001; Chaison 2006a, b).

³⁷ For example, see <http://fwint.org> for the Building and Woodworkers, <http://building-pwer.org> for IndustriALL, and <http://world-psi.org> for the Public Services International.

See ICFTU (2002, 24) for a description of the structures and methods of GUFs

Table 2.2 Frequency of the signing of international framework agreements

Period	Number of IFAs signed	IFAs signed per year
1989	2	2.0
1990–1994	2	0.4
1995–1999	5	1.0
2000–2004	33	6.6
2005–2009	37	7.4
2010–2012	20	6.6

Source Wilke and Schutze (2008), Schomann et al. (2008), Telljohann et al. (2009), European Trade Union Institute (2013)

Table 2.2 indicates the frequency of the signing of IFAs. Prior to 2000, IFAs were fairly rare—occurring at the rate of about one per year.³⁸ However, since 2000, there has been a wave of IFAs as union interest in them increased, particularly in Europe, and as GUFs became much more active in pressing multinational companies to negotiate IFAs and individual unions sought new avenues of response to dangerous working conditions abroad.³⁹

Exhibits 2.3 and 2.4 are abridged versions of the IFAs signed by Chiquita Banana and the Ford Motor Company, two major American-based multinational companies. The Chiquita Agreement of 2001, an early and widely copied IFA, was the result of a consumer campaign at supermarkets launched by unions and NGOs against the company (Riisgard 2004, 2005). The company, which had been accused of disregarding workers' health and freedom of association, and engaging in anti-union activities, employed 23,000 workers in 80 countries with a range of products that included bananas, avocados, pineapples, washed salads, and other fruits and vegetables (Freedom of Association 2013).⁴⁰

The Ford Agreement of 2012 reflects the crucial contribution of global manufacturing to the success of Ford (see Chap. 1) and its vulnerability to a potentially embarrassing global campaign of unions allied with NGOs. After negotiating collective agreements with the UAW in the United States for eight decades, entering into a non-binding IFA with unions and a GUF abroad must not have seemed extreme by the company.

³⁸ The first IFA was signed in 1989 by the French food company Danone and the International Union of Food Workers (Bourque 2008; Wilke and Schutze 2008). An analysis of the Danone agreement, considered a breakthrough in international industrial relations, is found in ICFTU (2002, 99). For brief reviews of the historical development of global worker representation structures, see Hennebert (2011) and Hammer (2005).

³⁹ The vast majority of IFAs are with companies that have their headquarters in Europe (Bourque 2008).

⁴⁰ For a review and evaluation of the Chiquita IFA, see Riisgard (2004).

Exhibit 2.2 The Global Union Federations (GUFs) in 2012

Global Union Federation	Number of affiliates	Affiliates' membership (000's)	Number of countries of affiliates
Education International (EI)	400	30,000	170
Building and Wood Workers International (BWI)	328	12,000	130
International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM) ^a	467	20,000	132
International Federation of Journalists (IFJ)	182	600	100
International Metalworkers' Federation (IMF) ^a	200	25,000	100
International Textile, Garment and Leather Workers' Federation (ITGLWF) ^a	217	10,000	110
International Transport Workers' Federation (ITF)	690	4,500	153
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	336	12,000	120
Public Services International (PSI)	650	20,000	148
Union Network International (UNI) ^b	900	20,000	150

Source AFL-CIO (2013) and selected Web pages of global union federations. See ICFTU (2012) for the industry coverage of GUFs

^a Combined to form the IndustriALL Global Union, June 19 2012 (IndustriALL 2013a). The number of affiliates, countries of affiliates, and membership is at the time of the merger

^b UNI is the result of a merger in January 2000 of CI (Communications International), FIET (International Federation of Commercial, Clerical, Professional and Technical Employees), and IGF (International Graphic Federation) and MEI (Media and Entertainment International)

The negotiation of IFAs by unions, GUFs, and multinational employers might someday evolve into a sort of international collective bargaining with GUFs taking on the role of bargaining agents (Bourque 2008),⁴¹ and national union signatories could act like union branches or locals. But there are some deep-seated obstacles to the further spread and effectiveness of IFAs. First, national unions in the United States tend to be suspicious of organizations, such as GUFs, that are independent of unions and that could reduce their autonomy (Chaison 2006a, b; Maher 2013a). Unions carefully guard their autonomy as independent organizations, and they are careful not to give too much power to union federations (such as the AFL-CIO). They would certainly be hesitant to cede authority to organizations headquartered abroad. Equally important, with their decentralized bargaining systems, American unions typically represent workers at a single plant or a single company, not all of an industry including its suppliers, contractors, and subcontractors. Employers will oppose negotiating on a company-wide or industry-wide basis with unions that

⁴¹ Stevis (2010) observes that a key aspect of IFAs is that multinational companies recognize both global actors (the GUF) and worker representatives (unions), thus raising negotiations to an international level.

Exhibit 2.3 The Chiquita International Framework Agreement (2001) (abridged)

IUF/[International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations] COLSIBA [Coordinadora Latinoamericana de Sindicatos Bananeros] and Chiquita [including all subsidiaries]

Agreement on Freedom of Association, Minimum Labor Standards and Employments in Latin American Banana Operations of Chiquita Brands International, Inc. that employs workers in Banana operations in Latin America

Part I: Minimum Labor Standards

IUF/COLSIBA and Chiquita:

- Acknowledge the fundamental right of each employee to choose to belong to and be represented by the independent and democratic trade union of his or her choice, and to bargain collectively;
- Seek to identify practical opportunities for continuous improvement in the employment conditions of CHIQUITA employees...;
- Respect the responsibilities of local Chiquita managers and unions to address local issues of concern through collective bargaining and to put into practice the following general principles.

In this spirit, IUF/COLSIBA and CHIQUITA agree on the following:

On Minimum Labor Standards:

1. CHIQUITA reaffirms its commitments to respect the following core ILO Conventions:
 - The principle of freedom of association (ILO Convention #87...1948)
 - The effective recognition of the right to collective bargaining (Convention # 98...1949)
 - The protection and facilities to be afforded to workers representatives (Convention #135...1971)
 - The elimination of all forms of forced or compulsory labor (Convention # 29...1930: #105...1957)
 - The effective abolition of child labor (Convention # 138...1973: Convention # 182...1999); and
 - The elimination of discrimination in respect of employment and occupation (Convention #100...1951: Convention #111...1958).
2. Chiquita reaffirms its commitment to respect ...[the] freedom of association and collective bargaining...
3. Chiquita shall respect the right of all personnel to form and join trade unions
4. Chiquita shall ensure that representatives of trade unions are not the subject of discrimination and that such representatives have access to employees in the workplace...Chiquita guarantees that the employees will suffer no discrimination, threats, sanctions as a result of any such visit but a union representatives
5. Where Chiquita is engaged in collective bargaining with unions, Chiquita will continue sharing with union representatives the information about the corporation as a whole and its local operations as they reasonably require to bargaining effectively
6. Chiquita acknowledges its responsibility to provide safe and healthy workplaces...
7. CHIQUITA and the IUF/COLSIBA will publicize this agreement in all the Company's banana operations in Latin American

(continued)

Exhibit 2.3 (continued)**PART II: Employment**

In the event of any situation that would seriously affect the volume of employment, working conditions or the type of contracts of work...CHIQUITA commits to:

- Respect local laws and regulations:
- Consult those local trade unions that have been duly appointed as the representatives of the affected workers, which discussions should occur as soon as possible...;
- In the case that workers are legally represented by a labor union to bargaining collectively, notification will be made at the same time to the local union, COLSIBA and the IUF of any such proposed change, including in such notification both:

An explanation of the Company's decision; and

A clear indication of the consequences of the decision for workers in terms of changes in contracts, working conditions or reductions of jobs

Chiquita will seriously consider alternative proposals presented by unions representing Chiquita workers. Chiquita will provide a response to those proposals within the time frame agreed on a case-by-case basis

On Suppliers:

Chiquita will require its suppliers, contract growers and joint venture partners to ...respect national legislation and Minimum Labor Standards outlined in Part 1 of this agreement. The parties agree that the effective implementation of this provision is dependent on...factors such as Chiquita's relative degree of influence over its suppliers and the availability of appropriate and commercially viable supply alternatives. Implementation of this part of the agreement shall therefore be jointly assessed by the Review Committee taking into account these factors

Part III: Oversight of this Agreement

CHIQUITA and IUF/COLSIBA will each appoint up to four members to a Review Committee that will meet periodically to oversee the application of this agreement and to discuss other areas of mutual concern. In case of a major conflict, CHIQUITA and IUF/COLSIBA may, in addition, include in the meeting a representative if the local union and a representative of local management

CHIQUITA and IUF/COLSIBA recognize that this Agreement is not a substitute for...local bargaining processes. The parties agree that the local parties should exhaust every effort to resolve local issues, and that the work of the Review Committee, as well as any intervention required between meetings of the Committee, will relate only to alleged serious and/or systematic violations of the rights outlined in this agreement

.....

The Review Committee meetings will take place twice a year. An extraordinary meeting may be convened at the request of either party, in case a situation arises that requires urgent discussion...

Chiquita, the IUF, and COLSIBA will each identify a contact person responsible to facilitate communication and the timely resolution of any emergency issues that may be identified between meetings of the review committee.

(continued)

Exhibit 2.3 (continued)**Commitment to Fair Dealing and Continuous Improvement**

This Agreement shall last until either party terminates it by prior notice at least three months in advance of the termination date. During the term of this Agreement, CHIQUITA and the IUF/ COLSIBA agree to:

- Negotiate in good faith with the best interest of all parties in mind;
- Communicate in an open, honest and straightforward manner;
- Avoid actions which could undermine the process spelled out in this Agreement, such as public international campaigns or anti-union retaliatory tactics, until such time as one or the other party declares there shall be a failure to agree. A time frame for discussion and mutually satisfactory resolution of the issue will be agreed case-by-case by the Review Committee. No failure to agree can be declared before the expiry of that time frame;
- Work to develop among company managers, union leaders, and employees a common understanding of effective labor management relations

[Agreed to May 11, 2001 and signed by the General Secretary of the IUF, the Regional Coordinator of COLSIBA, the President and COO of Chiquita Fresh Worldwide, and the Director General of the International Labor Organization.]

Source IUF (2001)

represent workers at only a few plants (Gordon and Turner 2000b; Bourque 2008; Stevis and Fichter 2012). Only the fear of the public embarrassment that comes with a GUF-led campaign can pressure an employer to negotiate an IFA. In other words, American labor relations must first evolve and here must be broader bargaining, lower employer opposition to unionism, and new expectations from union members and officers about how unions can and should help workers on a global scale.

Finally, it must be understood that IFAs are not collective bargaining agreements in the sense of being legally binding contracts covering wages, hours, and conditions of employment (Chaison 2006a, b; Hellman 2007). However, as declarations of mutual intent and values, they are much more than negotiated corporate codes of conduct. IFAs are direct descendants of European *social dialogs*—exchanges, discussions, and agreements between the employers, unions, and states over issue of interest to workers including wages, working hour, collective bargaining, training and the social import of industry and company restructuring (Wilke and Schutze 2008; Stevis 2010).⁴² But IFAs take these dialogs a step further through formal negotiations on a transnational basis, by imposing an enforcement procedure, and by introducing American unions to a labor relations dialog that is very much missing in their home country (Herrnstadt 2007; Schomann et al. 2008).⁴³

⁴² For a review of the European social dialog and cross-border labor negotiations, see European Parliament Committee on Employment and Social Affairs (2011). Also see Bercusson and Estlund (2008).

⁴³ For a review of the incidence of IFAs in the United States, see Stevis and Fichter (2012).

Exhibit 2.4 The Ford International Framework Agreement (2012), abridged**International Framework Agreement****(between)****Ford Motor Company and****Global IMF (International Metalworkers Federation/Ford Global Information Sharing Network)**

Agreed upon Social Rights and Social Responsibility Principles

Preamble

The diverse group of men and woman who work for Ford is our most important resource. In recognition of their contributions, policies and programs have been developed to ensure that our employees enjoy the protection afforded by the principles agreed up in this document (the Principles). The Principles are based on a thorough review of labor standards espoused by various groups and institutions worldwide, including those outlined by the International Labour Organization and stand as a general endorsement of the following human rights frameworks and charters:

- The UN Universal Declaration of Human Rights
- The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.
- OECD Guidelines for Multinational Enterprises
- Global Principles of Social Responsibility

The universe in which Ford operates requires that these Principles be general in nature. In certain situations national law, local legal requirements, collective bargaining agreements and agreements freely entered into by employers may be different than portions of those agree upon Principles. If these principles set higher standards, the Company will honor these Principles to the extent which does not place them in violation of domestic law. Nevertheless, we believe these Principles affirm important, universal values that serve as the cornerstone of the relationship between employees and management for us

Ford and the signatories to this document confirm their support for these Principles and for the Company's Code of Basic Working Conditions, Bus Principles and Corporate Citizenship strategy

Freedom of Association and Collective Bargaining

.....

Ford recognizes and respects it's employees right to associate freely, form and join a union, and bargaining collectively in accordance with applicable law. The Company will work constructively with employee representatives to promote the interests of our employees in the workplace. In locations where employees are not represented by a body of employee representation/unions, the company will provide opportunities for employee concerns to be heard. The Company fully respects and supports workers' democratic rights to form a union and will not allow any member of management or agent of the Company to undermine this right or pressure any employee from exercising this right

Cooperation with employees, employees' representatives and trade unions will be constructive. The aim of such cooperation will be to seek a fair balance between the commercial interests of the Company and the interests of the employees. Even where there is disagreement, the aim will always be to work out a solution that permits constructive cooperation in the long term

Timely information and consultation is a prerequisite for successful communication between management and employee representatives. Information will be provided in good time to enable representatives to appropriately prepare for consultation

Collective bargaining on conditions of work is an expression in practice of freedom of association within the workplace, a responsibility to bargain in good faith in order to build trust and productive workplace relations. Even when disagreement occurs, all parties will be bound by group collective and legislative requirements and the aim will be to reach adequate solutions

(continued)

Exhibit 2.4 (continued)

The signatories respect the employees' democratic rights to determine representation and will not use tactics of harassment or discrimination to influence employees' exercise of these rights

Harassment and Unfair Discrimination. The signatories will not tolerate harassment or unfair discrimination on the basis of race, religion, color, age sex, sexual orientation, union activity, national origin, and against any employee with disabilities

Ford acknowledges the right of its employees to raise concerns...without suffering any prejudice whatsoever as a result, and to have such concerns examined pursuant to an appropriate procedure

Forced or Compulsory Labor. Ford will not use forced or compulsory labor regardless of its form

Child Labor. Ford opposes the use of child labor. In no event will the Company employ any person below the age of 15, unless this is part of a government-authorized job training or apprenticeship program...

Wages and Conditions. Ford will promote... compensation and benefits that are competitive and comply with applicable law, and acknowledges the principle of equal pay for work of equal value...the Parties affirm their commitment not to discriminate because of race, religion, color, age, sex, sexual orientation, union activity, national origin, or against any employee with disabilities

Hours of Work and Vacation. Ford will comply with applicable law regulating hours of work and vacation periods

Occupational Safety and Health Protection. Ford will strive to promote the safety and health of those who make, distribute or use its products

The Company will provide and maintain for all employees a safe and healthy work environment...

Education, Training and Development. Ford promotes and supports appropriate education, training and development for its employees...

...Partners. Ford will encourage business partners to adopt and enforce similar policies to those contained in the Principles, as the basis for establishing mutual and durable business relationships. The Company will seek to identify and utilize business partners who aspire in the conduct of their business to standards that are consistent with this document and will provide the network an opportunity to raise issues for discussion and resolution

.....

Sustainability and Protection of the Environment. Ford will respect the natural environment and help preserve it for future generations by working to provide effective and practicable environmental solutions and avoiding waste.... The Company will measure, understand and responsibly manage its resource use, especially its use of ...non-renewable resources

Integrity. Ford will be honest, open and transparent.... The Company will compete ethically and avoid conflicts of interest and have zero tolerance for the offer, payment, solicitation or acceptance of bribes

Accountability. The signatories to this agreement commit themselves to these principles on a global, national and local level

The ongoing compliance of the Principles can be raised and discussed between the Company and the Union in the Regions or at the Ford Global Information Sharing Forum. When issue are identified, the Parties will work together to find mutual solutions. In addition a more detailed monitoring process will be discussed by the parties at the next Global Information Sharing Forum meeting

General. Ongoing compliance with these Principles will be reviewed at the annual meeting with management

April 25, 2012

Source Ford (2012)

Despite clear and imposing limitations, IFAs can even complement traditional union activities.⁴⁴ For example, IKEA, based in Sweden, is the second largest retailer behind Wal-Mart Stores, Inc., and the world's largest home retailer. It had signed an IFA in May 1998 (Wilke et al. 2008). In July 2011, at IKEA's Swedwood distribution plant in Danville, Virginia, the International Association of Machinists won the right to represent workers by a vote of 221-69 in a representation election conducted by the US National Labor Relations Board and three months later the two completed negotiations for a collective agreement. Workers had complained about mandatory overtime, low wages, racial discrimination, a highly impersonal discipline system, the lack of formal training, long working hours, and a speed-up work pace. The organizing drive in Virginia was followed closely by Swedish newspapers that criticized the company for having a double standard—being a cooperative IFA signer in Sweden and a no-holds-barred union fighter in the United States. At first, IKEA hired a law firm to contest the bargaining unit (who would be covered under any future collective agreements), but this was ended when there were international protests by unions in Europe, Asia, Africa, Central America, the United States, and Canada. By December 2011, the IKEA workers would ratify their first collective agreement (All Things Considered 2011; Brown 2011; Rosenkrantz 2011; Gleichman 2012; IAMAW 2013; Jamieson 2012; Stevis and Fichter 2012; Marzan 2013).

2.6 Conclusions

This chapter shows America's unions taking traditional and non-traditional approaches in their response to globalization. The traditional approaches are what labor unions have always done in one way or another—organizing, bargaining, and politics. They are clearly defensive—trying to make whole whatever was lost in size or power by globalization. In contrast, the union's non-traditional activities are offensive, innovative, and at the frontiers of unionism. Unions work through coalitions, with other unions, labor federations, and NGOs, to improve the situation of workers abroad, and they negotiate, also through coalitions, for IFAs with multinational companies.

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⁴⁴ For example, Marzan (2013) examines the ways in which IFAs can be used to strengthen union organizing.

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