

TRADE UNIONISM

**PROTECTING
THE FUTURE
OF WORK**

**NEW INSTITUTIONAL
ARRANGEMENTS FOR SAFEGUARDING
LABOUR STANDARDS**

EDITORS

**BARRY COLFER, BRIAN HARNEY,
COLM MCLAUGHLIN AND CHRIS F. WRIGHT**

Protecting the Future of Work

TRADE UNIONISM

Changing Contexts and Shifting Paradigms

Series Editors

Dr Andy Hodder, Reader in Employment Relations, University of Birmingham, UK

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This series focusses on trade unions in terms of a range of relevant changes and developments internally and in relation to the social, economic and political environment. The debate on trade union change, renewal and contexts has been a central part of labour and employment relations for many years. There are many complex and changing dynamics within the labour movement in terms of new forms of trade union strategies, changing organisational structures, more complex relations with employers and the state and new spaces of representation and communication within and beyond the workplace.

The aim is to provide a more innovative space and variety of voices engaging with regard to the debate on and within trade unionism. To this extent, we also welcome books that involve discussants, roundtables and conference presentations and not just standard monographs and edited collections, although these latter forms will constitute the core of the series. All book proposals are refereed and evaluated by a range of academics.

Featuring a balance of texts on the changing nature of trade unionism, the political and social dimensions of trade unionism and the history of trade union change and transformation *Trade Unionism: Changing Contexts and Shifting Paradigms* captures key themes which reflect the new forms of trade union and collective worker activity in relation to local and community spaces related to new forms of precarious work, new forms of trade union and collective worker engagement with a diverse set of worker constituencies and innovative forms of transnational and communicative organisation.

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Protecting the Future of Work: New Institutional Arrangements for Safeguarding Labour Standards

Edited by Barry Colfer, Brian Harney, Colm McLaughlin and Chris F. Wright

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Edited by Andy Hodder and Miguel Martínez Lucio (Forthcoming)

Protecting the Future of Work: New Institutional Arrangements for Safeguarding Labour Standards

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INVESTOR IN PEOPLE

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Endorsements

This volume contributes to innovation in theory and policy debate in industrial relations and entails a stimulating and topical analysis of the role and practices of trade unions, new forms of regulation, and labour standards in times of challenge and transformation.

*Mia Rönnmar, Professor, Faculty of Law, Lund University, Sweden, and
Past-President of the International Labour and Employment
Relations Association*

This edited volume is a thought-provoking, conceptually rigorous, and urgent analysis of changes in labour market regulation and employment relations over recent times. The shift the authors identify towards a ‘patchwork of rules’ is illustrated through the impressive line of chapters covering unfamiliar areas like the ‘gig economy’ in China. A must-read for understanding contemporary developments in employment relations and a fitting tribute to Professor Willy Brown.

*Heather Connolly, Associate Professor, Department People,
Organizations and Society, Grenoble Ecole de Management, France*

This volume brings together some of the best thinkers about how the regulation of work and employment is changing around the world to mark the legacy of Professor Willy Brown. The chapters explore how the regulation of our working lives is changing; sometimes optimistically, sometimes pessimistically. But always with an attention to detail that defines Willy’s intellectual legacy. The authors make important contributions to our understanding of the changes and what they mean to workers, managers, capital, states, and supra-state institutions.

*Melanie Simms, Professor of Work and Employment,
Adam Smith Business School, University of Glasgow, UK*

Ongoing upheavals in the world of work, including the rise of platform work, outsourcing, and global supply chains, have disrupted and corroded the capacity of established regulatory arrangements, notably collective bargaining, to protect workers and improve working conditions. This stimulating and timely volume examines the new forms of statutory and employer-led, voluntarist regulation that have emerged in response, highlights the institutional experimentation involved, and assesses their interface with traditional arrangements in an evolving regulatory 'patchwork'. The contributors draw insightfully from developments across a range of countries.

*Paul Marginson, Emeritus Professor of Industrial Relations,
University of Warwick, UK*

A truly insightful analysis of the world of work in contemporary societies, offering many practical solutions to key problems. Very much in the spirit of Willy Brown's contributions, and a strong testament to how much he has given and continues to give to our subject area.

*Keith Whitfield, Professor of Human Resource Management,
Cardiff Business School, Cardiff University, UK*

It is widely recognised that the structure of employment across the globe is changing dramatically including greater gig, sub-contract and other forms of irregular work. What is less clear is how governments have responded. This volume fills the gap by clarifying the often un-coordinated 'patchwork' of public policies that have been developed to date in virtually all countries and the volume offers many helpful suggestions for better policies. The contributors to the volume are distinguished comparative scholars, having had the benefit of mentorship provided by the late Professor Willy Brown. Their insightful analyses well reflect the power of the careful approach that characterised Professor Brown's many contributions.

*Harry C. Katz, Jack Sheinkman Professor, President of International
Labor and Employment Relations Association, ILR School,
Cornell University, USA*

In this important collection, Barry Colfer and his colleagues argue that the once-integrated web of rules that governed employment in developed economies has fragmented. In its place has emerged a 'patchwork of rules', comprised of surviving islands of union-based joint regulation alongside burgeoning state regulation and unilateral regulation by employers. The latter, they contend, is often informed by and legitimated through narratives of responsible and sustainable business. To my mind, this analysis is sound, and the book contains a valuable set of case studies which trace the origins, causes, and effects of this process of fragmentation. It is an essential guide to the changing world of work.

*Edmund Heery, Professor of Human Resource Management,
Cardiff Business School, Cardiff University, UK*

About the Editors

Barry Colfer is a Research Fellow at St Edmund's College and the Department of Politics and International Studies (POLIS) at the University of Cambridge and a Max Weber Fellow at the European University Institute in Florence, Italy. His research includes the implications of Brexit for Ireland, the politics of European integration and the future of work. He holds a PhD from POLIS and has held postdoctoral fellowships at the University of Oxford, Harvard University, and the Polytechnic University of Turin. As of January 2022, he is the Director of Research at the Institute of International and European Affairs think tank in Dublin, Ireland.

Brian Harney is Professor of Strategy and HRM at Dublin City University Business School. His research explores the intersection of strategy and employment relations with a particular focus on small, growing, and knowledge intensive firms. Brian is the author of several books and edited collections, including *The Global Case Book* and *Reframing HRM in SMEs*. His research has been published in leading journals while he has recently guest edited special issues of *HRM Review*, *Employee Relations*, *International Journal of HRM*, and *International Small Business Journal*.

Colm McLaughlin is Professor of Employment Relations at the UCD College of Business, University College Dublin and Co-Director of the UCD Centre for Business and Society. His research focusses on comparative and institutional employment relations and compares the effectiveness of different forms of employment regulation in achieving public policy outcomes around decent work and equality. His work has been published in leading journals including *Industrial Relations*, *British Journal of Industrial Relations*, *Industrial Law Journal*, *Cambridge Journal of Economics*, and *Academy of Management Learning and Education*.

Chris F. Wright is an Associate Professor in the Discipline of Work and Organisational Studies at the University of Sydney Business School. His research focusses primarily on migrant labour, comparative employment relations, and sustainable supply chains. He is co-editor of *International and Comparative Employment Relations: Global Crises and Institutional Responses* and his work has been published widely including in the *British Journal of Industrial Relations*, *ILR Review*, *Industrial Relations*, *Governance*, and the *Journal of Business Ethics*.

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Foreword

This book examines issues which are crucial to the future of work in contemporary society. The focus of this edited collection is on how labour standards can be safeguarded by developing new institutional arrangements which protect and enhance people's working lives. All members of the editorial team and many of the contributors were students and colleagues of the late Professor William (Willy) Brown, former Montague Burton Professor of Industrial Relations and Master of Darwin College at the University of Cambridge in the UK. The book is testament to the influence that Willy Brown had not only on academic research but also in the broader community through his service to bodies such as the Low Pay Commission and the Advisory Conciliation and Arbitration Service in the UK and his international activities.

This volume makes an important contribution to understanding the impact of neoliberal economic and social policies on many countries during recent decades. It also provides a new conceptual framework for analysing changes in labour market regulation and industrial relations which have been felt strongly by countries not only in the 'Anglosphere' (such as the UK, USA, Canada, Australia and New Zealand) but also in other parts of the world.

The editors argue that a new 'patchwork of rules' has emerged and displaced the previous 'systemic web of rules' in regard to industrial relations. The new 'patchwork' comprises three separate but related 'webs of rules'. First, the 'traditional web of rules' of joint regulation through collective bargaining or equivalent arrangements which often, but not always, involve trade unions. Second, 'a voluntarist, employer-led web of rules', which are driven by corporate social responsibility and high-commitment HRM. Third, a web of rules related to statutory minimum standards, which are predominately aimed at disparate groups comprising non-unionised lower-skilled occupations as well as non-professional private services and industries that are susceptible to actions which shift the power equilibrium away from workers towards employers. The chapters in this book provide examples of how new forms of institutional experimentation are emerging, often at the intersections between these webs.

The chapters in this book provide perspectives on how the new 'patchwork of rules' has been challenged by contemporary developments such as the COVID-19 pandemic, the rise of global supply chains and new forms of business. The 2013 Rana Plaza disaster in Bangladesh is cited as an example of how increased public awareness of the desperate working conditions, which resulted in the deaths of more than 1,000 workers and injuries to many more, may have created a paradigm

shift in relation to the ‘patchwork of rules’. A global campaign spurred by the Rana Plaza disaster resulted in the factory owners being charged with murder and building violations. The Bangladesh Accord combined examples of all three webs in the ‘patchwork of rules’: collective regulation, voluntarism and institutional regulation. It is also an important case study in institutional experimentation. This was the kind of action which Willy Brown urged in terms of a new web of rules which combined ‘augmented pluralism’ with institutional experimentation in order to achieve more effective regulation of labour standards in the world of work.

The chapters in this book are grouped around four thematic sub-headings, each of which were at the heart of Willy Brown’s concerns about the need for institutional experimentation, namely: international comparisons, industrial relations campaigns, the rise (and possible decline) of HRM and issues relating to specific groups of workers, such as women, those in the gig economy, migrant workers and those disadvantaged by the operation of global supply chains which are driving down wages and conditions. Although much of Willy Brown’s research and writings concerned industrial relations and labour regulation in the UK, he pursued long-term interests in international developments in Australia, New Zealand, Europe and China.

Three chapters, in particular, highlight Willy Brown’s international engagement and illustrate the impact of his work around the world. The first example, by Colm McLaughlin and Chris F. Wright, examines the responses by trade unions in Australia, New Zealand and Ireland to neoliberal reforms of industrial relations since the 1980s. These countries, especially Australia and New Zealand, were among the first where stable pluralist industrial relations systems were challenged and undermined by governments with neoliberal reform agendas. The unions in each of these countries used a variety of strategies to protect labour standards from attacks by both employers and governments, with varying degrees of success. Willy Brown was engaged as an adviser on labour market reforms to Labor governments in Australia. This occurred during the Accord era, when Labor governments, led by Prime Ministers Bob Hawke and Paul Keating, introduced greater labour market flexibility combined with improvements in the social wage, during a period of economic deregulation.

Second, the development of the European Social Model, analysed in the chapter by Barry Colfer, is an example of the emergence of a patchwork of rules in the European context. Although the Maastricht Treaty of 1992 introduced the Social Chapter within the European Union, it was dismantled under the austerity agenda of European institutions after the post-2008 financial crises. While Willy Brown opposed the withdrawal by the UK government, led by Boris Johnson, from the European Union, the European Social Model and the patchwork of rules have been damaged by COVID-19 pandemic. It remains to be seen if Willy Brown’s hopes for the European Social Model are realised over time.

Third, improving the prospects for labour market and industrial relations reform in China were a major concern of Willy Brown during his final years. He was an Honorary Professor at Renmin University and advocated for the expansion of collective bargaining and improvement in labour standards. Two

of Willy's former doctoral students, Cheng Chang and Wei Huang, examine the shift from manufacturing to the internet economy in China and the implications for the wages and working conditions of Chinese workers. They conclude that the decline in manufacturing employment has been due to labour shortages and that a dual labour market, created by government policies, are constraining workers' career development. Willy Brown's optimism about prospects for reform in China have been sorely tested by recent reversals of earlier reforms.

This book is a fitting tribute to Willy Brown as a dedicated scholar, teacher and public intellectual whose influence on both the study and practice of industrial relations was universal. The work of his students, evidenced in this volume, demonstrates that his example and impact will continue into the future.

– Emeritus Professor Russell Lansbury,
University of Sydney

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Preface

This book is part of the Emerald series on *Trade Unionism: Changing Contexts and Shifting Paradigms*. Its focus is on how unions and other bodies are tasked with protecting the interests of workers in the context of rapid changes in the world of work. We are grateful to the chapter contributors, Russell Lansbury for providing the Foreword to this volume, and Marian Baird and Rae Cooper for their advice. We acknowledge the expertise and guidance provided by the publishers and editors at Emerald and the Series Editors Andy Hodder and Miguel Martinez Lucio. We thank all those at Darwin College, University of Cambridge for providing an infrastructure to bring us together as PhD students under the masterful supervision of the late Professor William Brown. We also thank our families who have supported us throughout every stage of this book.

Given the focus of this volume, it is fitting that the book also serves as a tribute to Willy who was a dear friend and mentor to the editors of this volume and most of the contributing authors. Much of Willy's research was guided by his concern for fairness at work and ensuring that the institutions tasked with regulating labour standards remained fit for purpose; a passion that he shared with and imparted upon this volume's contributors.

Prior to his untimely passing in 2019, Willy was one of the most significant industrial relations academics internationally over the previous four decades. His work had a major impact on the field both in terms of influencing research and shaping public policy.

Willy held several senior positions at the University of Cambridge in the UK for much of his career. He was the Montague Burton Professor of Industrial Relations from 1985 until his formal retirement in 2012. He served with distinction as the Master of Darwin College from 2000 to 2012. At various times, he was Chair of the Faculty of Economics and Head of the School of the Humanities and Social Sciences at Cambridge. He served as Chair of the Board of Studies at Cambridge and the Vice Chancellor's deputy from 2000 to 2008.

Willy also provided leadership in academic institutions, including serving as President of the British Universities Industrial Relations Association from 1986 to 1989 and as an executive committee member of the International Labour and Employment Relations Association (formerly the International Industrial Relations Association) from 1989 to 1995.

Willy's imprint on the industrial relations field is remarkable. He published six books and monographs and well in excess of 100 chapters in books and scholarly papers in high ranking international academic journals. His first book, *Piecework*

Bargaining, published in 1973, has become a classic in this field. *The Changing Contours of British Industrial Relations*, published in 1981, provided an authoritative account of the changing nature of industrial relations during a turbulent period in Britain. *The Evolution of the Modern Workplace*, published in 2009, used data from successive workplace surveys to analyse how collective bargaining gave way to a more individualised system of employment arrangements in the UK over several decades. In more recent years, Willy sought to advance understanding of the evolution of Chinese employment relations by publishing *The Emerging Industrial Relations of China* with Cambridge University Press.

Willy's scholarship was allied with a determined concern for fairness, notably evidenced in his work as an inaugural member of the Low Wage Commission and the introduction of the National Minimum Wage in the UK, as well as his contributions to the work of Acas and the Trades Union Congress.

Ever humble, Willy was awarded Commander of the British Empire in 2003 for 'services to employment relations' and an Honorary Doctorate by the University of Sydney in 2015 in recognition of his significant international contributions to industrial relations scholarship and policy. Willy's academic achievements and policy impact are matched only by his gold standard as a mentor where he had the rare ability to listen, be empathic and offer true insight.

We share the sentiments of Professor Peter Nolan, who in an introduction to a special issue of the *Industrial Relations Journal* in 2012 (volume 43, issue 4) marking Willy's retirement, reflected:

the papers reveal the breadth and depth of Willy's analytical and empirical investigations, his multidisciplinary approach to the subject and the enduring significance of his work for theory, policy and practice... An inspiration to past and present scholars, Willy's academic corpus will provide an essential point of engagement for future research in the field

Much of Willy's later research focussed on the evolution of Chinese employment relations and protecting labour standards in a global economy. He worked on several research projects funded by the UK and Chinese governments and was a consultant to the Chinese Ministry of Human Resources and Social Security. Willy was an Honorary Professor at Renmin University in Beijing and played an instrumental role in bringing together international and Chinese scholars to examine developments in Chinese employment relations.

Befitting the outstanding research and enormous international impact of Willy's work, in 2021 he was posthumously awarded the International Labour and Employment Relations Association Academic Excellence Award at the ILERA World Congress in Lund.

We dedicate this book to Willy.

– The Editors and Contributors