



The globalisation of the trade union movement

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Unions are increasingly acting upon the theory that in order to represent workers in multinational businesses effectively, they have to think, organise and operate globally. Domestic unions are forming alliances and international unions are becoming increasingly prominent.

For many years there has been much talk from trade unions about becoming more global. In large part, much of this talk was precisely that: there was little cooperation between unions in different jurisdictions, and international unions had little involvement in collective issues. There are clear signs this is changing. Despite the temptation to regard an episode such as the campaign to establish a works council at Volkswagen's Chattanooga plant as a one-off, there is growing evidence that this is a symptom of increasing globalisation within the union movement.

Cooperation between unions and international growth

International cooperation between unions from different jurisdictions, as well as the establishment of new international unions, is on the increase.

- In November 2011, the UK's largest union, Unite, and North America's largest private sector union, the United Steelworkers, created a new international union, Workers Uniting. The establishment of a new and international trade union, and the investment this entails in terms of time, money and effort, illustrates the increasing strategic and practical focus of domestic trade unions on international matters.
- In June 2012, a new international trade union, the IndustriAll Global Union was established, purporting to represent 50 million workers in 140 countries. Its description of itself as 'a new force in international solidarity taking up the fight for better working conditions and trade union rights around the world' exemplifies the growing commitment within the union movement to act globally.
- The Communications Workers of America and the German union ver.di are working closely together with a particular focus on conditions in the telecommunications industry.

This international cooperation and focus on international issues has not merely been theoretical. On the contrary, it has

led to an increase in cross-border union campaigns with the effect that multinational businesses now have to deal more and more with cross-border industrial relations issues.

Emerging trends from recent international campaigns

A review of recent international campaigns suggests they can be split broadly into three categories (with some overlap) as follows.

(i) Global issue campaigns

These relate to a single issue (or linked issues) targeting employers within a particular industry. They tend to be coordinated by global rather than national unions. One high-profile example is the Accord on Fire and Building Safety in Bangladesh, an agreement intended to make garment factories safe workplaces. The Accord was triggered by the tragic collapse in April 2013 of the Rana Plaza in Dhaka, a building housing garment workers supplying many international clothing retailers, which killed 1,133 workers. The Accord was the result of campaigning by a conglomerate of different domestic and international trade unions (including IndustriAll). It has now been signed by more than 100 clothing retailers in Europe, North America, Asia and Australia.

The essence of the agreement is a commitment to health and safety at clothing factories in Bangladesh through: independent safety inspections; public reporting of the result of these inspections; a commitment on the part of signatory retailers to ensure that any repairs identified are carried out and sufficient funds are made available to do so; and a commitment to ensure workers continue to be paid for any period they cannot work because of repairs.

In the past, there have been campaigns to ensure multinational corporations are diligent in preventing third parties in their supply chain from manifest breaches of human rights, such as child and forced labour. The Accord takes

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matters one step further. Not only does it contain a prohibition against unsafe working conditions, it contains a positive obligation on signatories to ensure workers employed by third parties in their supply chain continue to be paid when their workplaces are closed for repairs, and therefore constitutes a commitment by signatories relating to the terms and conditions of employment of workers who they do not employ directly. The significance of this is even greater when placed in the context of an arbitration clause within it, which, on the surface, commits signatories to arbitration in relation to any alleged breaches of the agreement.

The enforceability of arbitration clauses in collective agreements, especially international agreements, is a controversial issue. Moreover, there are some fundamental procedural and substantive defects in the way this particular clause is drafted which create serious questions about its enforceability. Nonetheless, the presence of this provision makes it at least arguable that a signatory to the agreement is subject to binding arbitration. Moreover, even if the clause is not legally enforceable, there would at the very least be possible industrial relations and reputational consequences where a signatory refuses to go to arbitration in relation to any dispute under the agreement.

As well as the substance of the Accord, the strategy used by unions to persuade corporations to sign it is illustrative of the way in which global issue campaigns are now being conducted. Businesses that refused to sign up to the Accord were targeted by public and forceful campaigns.

(ii) Intra-company campaigns

These are characterised by cooperation between unions within the same company but in different jurisdictions to exert their influence on both domestic and company-wide issues. A current intra-company campaign relates to discussions about establishing a German-style works council at Volkswagen's Chattanooga plant. Here, the United Automobile, Aerospace and Agricultural Implement Workers of America is working closely with Volkswagen's German works council. Although the UAW recently lost a vote among workers to gain recognition at the site (which was deemed a necessary condition under US law to make a works council lawful), the union has said this defeat will not mark the end of its campaign. Other recent examples of companies where there have been intra-company campaigns include IKEA, T-Mobile and Crown Manufacturing.

(iii) Inter-union organisational support

This is where a union in one country offers organisational support to a union in another about a particular dispute through initiatives such as strategic input and providing field workers to organise a campaign. This type of activity overlaps significantly with intra-company and global issue campaigns, which both involve a high level of inter-union organisational support.

Best practice

The increasing globalisation of unions is an issue which businesses should not ignore and is best dealt with proactively. As is so often the case with union issues, a business that only appreciates there is an issue after a dispute has emerged starts on the back foot and reduces its chances of a successful resolution. In this regard, there are a number of recommended best practices.

- Carry out global audits to ascertain the extent to which a business is at risk of being subject to international union campaigns, especially having regard to hot topics (such as the working conditions of supply chain workers) and susceptibility to global issue campaigns.
- Understand the relationships between unions in different jurisdictions both within an industry and where operations are based. Where there are strong relationships between unions, there is a greater likelihood of an intra-company campaign.
- Consider the advantages and disadvantages of opening a dialogue with international unions or alliances of national unions where there is susceptibility to a campaign. Building relationships with unions increases the chances of finding mutually acceptable solutions when issues arise.
- If there is discussion about an international industry-wide agreement, get involved in negotiations early in order to:
 - maximise the chances of setting the agenda and being able to negotiate terms before they have been determined by others;
 - be in a position to make a quick decision whether or not to enter into the agreement at all: this avoids the worst of all worlds, namely entering into an agreement after having been the target of a lengthy campaign.
- Train and educate senior management about developments in the international union movement. This will put them in the best possible position to identify issues and spot risks ahead of time, and make them better prepared to take decisions in the heat of the often fast-moving and tense environment of a crisis or campaign.