Global Unions, Local Labour, and the Regulation of International Labour Standards: Mapping ITF Labour Rights Strategies[1]

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The crisis in global financial markets sparked many debates regarding the impacts of neoliberal globalization on economies around the world. The consequences of the crisis have included the widespread unemployment and growing economic polarization within nations hardest hit. The crisis has also prompted debates regarding new regulatory strategies to temper the longer term tendencies of neoliberalism and global capitalism, ranging from calls for neo-Keynesian solutions to more fundamental critiques of the capitalism system (Albo *et al*. 2010; Teeple and McBride 2011).

In this context, labour movements have engaged in the development of strategies designed to counter the heightened power of capital accorded through neoliberal regulatory regimes and capacities for transnational mobility. While the crisis exacerbated conditions of inequality and instability, these conditions of global crisis may also create potential and opportunity for organized labour to advance more progressive strategies for labour market regulation (Hoffer 2010).

While the crisis may create strategic opportunity, the challenges faced by labour movements in the contemporary global economy are longstanding. For several decades, as processes of neoliberal globalization have transformed the global economy, labour movements have struggled to counter the power of transnational corporations, as heightened dynamics of competition produce a 'race to the bottom' in labour standards, with labour movements unable to counter such tendencies (Barton and Fairbrother 2009). As these processes have unfolded, labour movements in transnational industries have increasingly sought to develop strategies that could produce forms of labour standards regulation capable of both countering the downward effect of capital mobility on labour standards and creating fair and just working conditions across transnational spaces.

At the international level, some of these strategies have emerged through Global Union Federations (GUFs), which are labour federations that bring together nationally based unions and are largely organized on an industry basis. The GUFs have engaged in a range of strategic initiatives, including efforts to improve and expand the standards of the International Labour Organization and developing forms of transnational collective bargaining (Stevis and Boswell 2007; Thomas *forthcoming*). These types of initiatives have met with varying, though generally limited, degrees of success, with scholarly assessments of international unionism suggesting that the GUF strategies are at best still in their infancy or at worst too detached from local workplaces to have any meaningful impact. Nevertheless, the persistence of neoliberal globalization, combined with the context of the global economic crisis, raises key questions regarding strategies for transnational unionism, including those with respect to labour market regulation in general, and the regulation of international labour standards specifically.

This paper is a case study of the global labour rights strategies adopted by the International Transport Workers Federation (ITF), a Global Union Federation that represents workers in a wide range of transport industries, including seafarers and dockworkers in the international shipping industry.[2] The ITF has developed a unique labour rights strategy for maritime workers that integrates core standards of the International Labour Organization (ILO) with both a transnational collective bargaining agreement and a local-level worksite inspections process undertaken by ITF inspectors. The ITF system is designed to bring the ILO standards down to the level of the worksite through this dual process of collective bargaining with shipowners and labour standards inspections in ports. As a strategy for regulating labour standards in a transnational industry, the ITF approach raises many questions. What are the labour rights principles that frame the ITF's inspection program? How are these principles implemented and enforced in workplace-level contexts? To what extent does the ITF's approach offer potential to other global unions seeking to challenge downward pressure on labour standards in transnational industries?

This paper engages with a growing body of research that seeks to examine the emergence of new approaches to regulating labour standards in the global economy (French and Wintersteen 2009). Broadly conceived, the paper seeks to explore the role of international institutions (primarily the International Labour Organization) in developing a normative framework for international labour standards, the ways in which

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[2] The analysis for this paper is based on documents collected from the ITF and ILO, and interviews conducted with ITF representatives (UK, India) and ITF inspectors (Canada, India, United States) between December 2007 and June 2010 (coded as ITF-#). Background interviews were also conducted during the same time period with the following groups: (i) representatives from Corporate Social Responsibility departments in companies with transnational supply chains (coded as CSR-#); (ii) representatives from non-governmental organizations engaged in labour-rights advocacy (coded as NGO-#); and (iii) representatives from global union federations (coded as GUF-#).

transnational corporations and labour organizations are shaping and implementing this normative framework, and the 'limits and potential' for labour rights strategies in transnational industries. Through this case study, the paper aims to interrogate the potential for processes of labour market regulation that may take place through linkages between local, national, and transnational scales. In taking this focus, the paper seeks to examine the social relations and processes that shape the regulation of international labour standards by exploring relationships between the 'local' and the 'global' in these processes.

To address these questions, in particular to think through relations between 'local' and 'global', the paper adopts an approach that aims to understand the 'multi-scalar' dimensions to labour organizing as developed through recent scholarship in labour geography (Bergene *et al.* 2010; Herod 2001; Tracey *et al.* 2009). Rather than study isolated spaces or 'levels' within the global economy, this approach places emphasis on understanding interconnections between local, national, international scales. No single level or scale is considered to be primary and/or determinant of what happens elsewhere. Rather, labour organizing becomes a process that works through *inter-dependent* scales. Moreover, these relationships are treated as non-hierarchical 'nested relationships', rather than seen as step-ladder that proceeds from one level to another.

The paper begins with a review of scholarly literature examining themes of globalization, labour standards, and labour market regulation. The ITF's global labour rights strategy is then presented as a model of labour rights regulation that aims to challenge corporate power through an approach that integrates international standards with localized inspections and enforcement processes. The paper concludes by drawing

out elements of a multi-scalar approach to conceptualizing processes of labour market regulation.

GLOBALIZATION AND LABOUR STANDARDS

Scholarly research on globalization and labour standards suggests that, as a result of growing corporate power, the geographic fragmentation and production, and the predominance of neoliberal labour market policies, the employment norms of the contemporary global economy are characterized by an increased vulnerability and insecurity of workers North and South, and that the construction of 'flexible' labour markets through the de/re-regulation of labour standards are definitive of this context (Ross 2004; Wells 2009). A broad strand of research seeks to explain the impacts of structural transformations at the level of the global economy – specifically increasing levels of capital mobility and the transnational reorganization of production - on the regulation of labour standards. In globalization research, there are several prominent explanations for the relationship between these processes and a downward pressure on labour standards. First, the combined patterns of intense labour exploitation in the South and the growth of insecurity in industrialized labour markets in the North has led to the assertion that globalization is producing a 'race to the bottom' or a 'harmonizing down' of labour standards and working conditions. The primary assertion within this literature is that labour rights of workers in the Global South and Global North are undermined by capital mobility and that collective bargaining and unionization challenged/compromised by these processes.

A second and related explanation is connected to the nature of the state-capital

relationship, whereby states are seen as either unable or unwilling to alter the terms of the 'race to the bottom'. For those who associate globalization with the declining power of the nation-state, this declining political power is signified by the inability of states to introduce and/or enforce minimum labour standards due to free trade and corporate power (Tilly 1995). For those who assert that nation-states maintain a crucial role in negotiating the terms and conditions of globalization (Wallerstein 1995), nation-states are seen as playing a key role in either reducing, or refusing to improve, nationally-based labour standards legislation, and in actively re-regulating labour markets to promote neoliberal forms of 'labour flexibility' (Sassen 2000; Standing 1999). From this literature comes the argument that traditional state-based methods of labour standards regulation, in particular national and sub-national labour laws, are undermined by neoliberal approaches to public policy.

A third explanation for the erosion of labour standards focuses on forms of global or transnational governance, where the regulation of labour standards has been marginalized within the regulatory institutions that govern trade and production within the global economy, whether they be multi-national free trade agreements or institutions such as the World Trade Organization (Bair 2007; Bensusan 2002; Elliot and Freeman 2003; Haworth and Hughes 1997; Orbie *et al.* 2009). This literature points to the variety of ways in which the neoliberal orientation of these institutions has produced weak and/or ineffective mechanisms of international labour standards regulation, for example through a lack of binding provisions as in the United Nations Global Compact, or a lack of effective enforcement mechanisms as in the North American Agreement on Labour Cooperation.

While connections between globalization and downward pressure on labour standards have been widely explored in this research literature, the literature tends to either construct descriptive accounts of labour standards abuses or place analytic attention on the dynamics of the 'race to the bottom'. In recognition of the need to develop strategies to advance labour rights in this context, some scholarly research as directed attention towards a number of emerging approaches to transnational labour rights regulation that aim to counter these tendencies, including the core labour standards of the International Labour Organization, corporate codes of conduct, and International Framework Agreements.

The core labour standards of the International Labour Organization are cited as one example of an attempt to construct an international consensus around 'decent work' and fair labour standards (Adams 2002, 2008).[3] In response to pressures associated with the 'race to the bottom', the ILO has sought to focus international attention on what it has articulated as 'core' labour standards (ILO 2002). In 1998, the ILO issued a Declaration on Fundamental Principles and Rights At Work, defining these fundamental rights to be: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. Member states are expected to respect, promote and realize these fundamental rights. More recently, the ILO has built its 'decent work' campaign - promoting jobs that provide income and employment security, equity, and human dignity

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[3] The ILO, a tri-partite organization composed of representatives from government, business, and labour based in Geneva, Switzerland, has over 170 country members and has drafted labour standards conventions in areas ranging from forced labour, child labour, discrimination in employment, freedom of association, health and safety, social security, working time, and rights for migrant workers.

– around these core standards.

Scholarly research has maintained a fairly critical stance regarding the capacity for ILO standards to significantly impact upon the regulation of labour standards (Reed and Yates 2004; Savage 2009; Thomas 2009, 2011). In particular, while the ILO establishes international standards, its role is largely promotional, educational and normative. It is only able to encourage member states to adopt its international standards and assist in their implementation; the enforcement of these norms remains a key challenge.

Corporate codes of conduct – company policies that establish labour standards principles and practices for suppliers in transnational supply chains – are another strategy for regulating labour standards in the global economy that have emerged in recent years (Block et al. 2001; Rivoli 2003; Seidman 2005; Weil and Mallo 2007; Wells 2006). Largely in response to pressure from labour movements and labour rights NGOs, many companies with transnational supply chains have developed corporate codes as part of broader programs of Corporate Social Responsibility (CSR).[4] Corporate codes outline principles for labour standards, and include a range of practices for labour standards regulation around information dissemination, grievance resolution, and worker representation. Codes generally build upon the core standards of the ILO as well as company-specific commitments to 'social responsibility'. It is increasingly common for corporations to provide some level of public information disclosure regarding labour standards practices, directed largely at Northern consumers, ranging from providing statements about company principles to data from factory audits (Doorey 2005). In recent years, some TNCs have developed their codes in consultation with labour rights NGOs

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[4] Interview, NGO-1, July 2007.

through multi-stakeholder initiatives and the use of independent auditors to monitoring

suppliers' labour standards practices is becoming increasingly common as external

auditors are chosen in order to lend greater credibility to the auditing process.[5]

Scholarly research on corporate codes has raised a number of critiques of this

method of regulating labour standards in transnational industries (Doane 2004; Gokhan

Kocer and Fransen 2009; Pearson and Seyfang 2001; Ross 2004). There is wide variation

in the scope, content, and regulatory practices embedded within corporate codes. The

codes are voluntary and largely unilateral, such that they are developed by individual

companies at their own discretion. While NGO engagement has emerged in recent years

as a means to increase corporate accountability and transparency (Esbenshade 2004;

Rodriguez-Garavito 2005), NGO involvement in the monitoring process is often

compromised as TNCs retain high degrees of control over the terms of engagement

(Wells 2007).

The lack of enforceability of ILO standards and the inherent weaknesses of

corporate codes of conduct has prompted some Global Union Federations to negotiate

International Framework Agreements (IFAs).[6] Like the corporate codes, IFAs are

designed to regulate labour standards across transnational supply chains, are built upon

the core international labour standards of the ILO, and bind their signatories to local

labour laws.[7] Unlike the corporate codes, however, IFAs are produced through

negotiation between TNCs and GUFs, and are designed to establish an ongoing process

of consultation and dialogue between the two parties (Greer and Hauptmeier 2007; Miller

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[5] Interview, NGO-2, July 2007; Interview CSR-1, June 2007.

[6] Marion Hellmann, "Social Partnership at the Global Level: BWI Experiences with Global Company Agreements". Geneva: Building Woodworkers International. No Date; Interview, ITF-1, December 2007;

[7] Key provisions in the agreements may build upon ILO standards in the areas of wages, health and safety, and hours of work. International Labour Organization Online. No 2, 31 January 2007.

2004; Riisgaard 2005; Stevis and Boswell 2007). Moreover, global unions that have

pursued IFAs as a labour rights strategy see the agreements not only as a way to regulate

labour standards 'from above', but more importantly as a way to promote unionization

across a supply chain by pressuring suppliers to respect freedom of association rights and

by providing framework through which local-level agreements may be negotiated

(Hammer 2005; Riisgard 2005; Stevis and Boswell 2008).[8] Currently, there are over 80

IFAs negotiated by seven global union federations.[9]

Despite some examples of successful implementation, there are key limitations to

IFAs (Thomas *forthcoming*). First, they are voluntary agreements, whereby TNCs are

under no legal obligation to negotiate or enforce framework agreements with global

union federations.[10] While some global unions have been successful in their negotiations

with TNCs, many of the existing IFAs are in sectors with traditionally high levels of

unionization, such as resource industries, construction and industrial manufacturing,

indicating that sectoral union density and sectoral union strength may be key elements in

negotiating IFAs (Hammer 2005). For sectors with low levels of unionization in supply

chains, such as the global garment industry, employer resistance creates a major

challenge (Miller 2004). The actual implementation of freedom of association across the

supply chain depends on organizing drives at the workplace level at local production site.

Acceptance of the IFA may also be determined by the size and importance of the TNC

relative to the supplier.[11] Finally, even when an IFA is respected by suppliers, there is no

assurance of uniform application and enforcement of the framework agreement across the

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[8] International Metalworkers' Federation, "How the IMF Works: International Framework Agreements".
Accessed at <www.imfmetal.org/main/index.cfm?n=47&l=2&c=8202>. Accessed October 2007.
[9] Accessed at www.global-unions.org/framework-agreements.html. Accesssed November 2010.
[10] Interview, GUF-1, June 2007.
[11] Hellman, "Social Partnership at the Global Level".

supply chain (Riisgard 2005). While framework agreements establish processes for social dialogue between TNCs and global unions, the effective implementation of IFAs must be accompanied by strong and localized workplace-based organizing and representation, with the major challenge in using IFAs to regulate international labour standards resting in the capacities of local affiliates to use the IFA to take on non-compliant employers.[12]

While there are key differences between these approaches to transnational labour rights regulation, a common theme emerges in critiques leveled in scholarly research on each: that being the 'enforcement gap' or lack of enforceability of norms and principles proclaimed in the conventions, codes and framework agreements. Thus, a common problem of how to bridge the gap between international standards and local practices persists, despite the particularities of each approach. This raises the pragmatic question of how to develop strategies to ensure that international standards are enforceable at local levels? This critical research would appear to suggest that international conventions and agreements are 'toothless' and unable to alter the conditions of the 'race to the bottom' as they do not contain enforcement mechanisms and/or do not effectively impact upon local worksites or working conditions.

While exploring the limitations of emerging approaches to labour rights regulation, as with much of the research on labour market regulation, this research literature tends to examine regulatory processes – whether through state or non-state actors –in isolation from one another. Little attention is given to the possibilities for interaction between regulatory processes and the alternatives to the 'race to the bottom' thesis that such interaction may create. Before outlining the case study of ITF labour rights strategies, the paper next turns to recent developments in network theory as a

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[12] Interviews, GUF-1, June 2007; GUF-3, December 2007.

means to explore both interconnections between state and non-state actors in the processes of labour rights regulation, as well as methods of studying the ways in which international institutions and norms may be linked to localized sites and practices through multi-scalar strategies.

NETWORK PERSPECTIVES ON GLOBAL CAPITALISM

As a critique of state-centric approaches to regulation, recent studies of economic regulation using various strands of network-based approaches have sought to study the roles of non-state actors – regulatory agencies, labour and employer associations, consumer organizations - within production and consumption networks (Hughes and Reimer 2004; Tonkiss 2006). One of the most influential network based approaches to understanding contemporary global capitalism lies in the Global Commodity Chain perspective that developed out of world systems theory. Hopkins and Wallerstein (1994:17) provide a basic definition of a GCC as "a network of labor and production processes whose end result is a finished commodity". Gereffi and Korzeniewicz (1994:2) take this definition further by identifying GCCs as "sets of interorganizational networks clustered around one commodity or product, linking households, enterprises, and states to one another within the world economy". Thus, they claim that the GCC perspective highlights the "social embeddedness of economic organization" as GCCs are "situationally specific, socially constructed, and locally integrated".[13] Studying GCC's

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[13] Such a network approach to the study of contemporary global capitalism builds upon Polanyi's (2001) concept of "embeddedness", a concept utilized by economic sociologists to indicate the ways in which economic processes are enabled by social networks, cultural practices, and social and political institutions, (Block 2001; Granovetter 1985; Hass 2007; Swedberg 1997). Networks, for example, may provide pattern and structure to economic activities because they create trust, constitute a means to establish and maintain relationships, facilitate information and resource sharing, and promote cooperation.

involves examining the social relations that that shape the production, transportation, distribution and consumption of a commodity or product, and the ways in which these chains link households, enterprises and states in contemporary global capitalism (Bair and Ramsay 2003). Further, the GCC methodology facilitates the study of global economic processes in a manner that is sensitive to localized contexts (Collins 2005).

In assessing the GCC perspective, Dicken *et al*. (2001) note that the perspective provides the means to construct analyses of the contemporary global economy that account for multiple levels of scale, as well as the transnational character of production and consumption. In terms of a substantive research agenda, however, it is claimed that despite the multi-dimensional character of GCC's identified within the theoretical framework, primary focus tends to be placed on governance structure within buyer-driven commodity chains.[14] This not only produces a narrow research focus, but also a simplistic conception of governance, as governance is constructed in terms of the two ideal types of GCCs (Dicken *et al.* 2001). Hughes and Reimer (2004) further critique the GCC perspective as defining the organization of production and consumption as a one-way process from producers to consumers without recognizing the multi-directional character of regulatory processes.

Another network based approach that has been applied to analyses of production and consumption is Actor Network Theory (ANT), which emerged through sociological

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[14] Gereffi's basic conception of a global commodity chain distinguishes between producer-driven and buyer-driven. Producer-driven commodity chains are characterized by fully integrated production systems controlled by large transnational corporations, such as those often found in capital and technology intensive industries. In contrast, buyer-driven commodity chains are characterized as those where the controlling firms do not own production facilities, but rather coordinate dispersed networks; large retailers, brand name merchandisers. Global commodity chains are attributed with the following four key dimensions: (1) an input-output structure; (2) territoriality; (3) a governance structure: authority and power relationships; and (4) an institutional framework (see also Dicken *et al.* 2001:98-99).

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studies of science in 1980s. ANT presents a challenge to many forms of macro-level

theorizing by questioning generalizability of structural processes and by developing

localized and 'ground level' analyses. There are four main tenants to ANT: (1) a focus

on practices that shape human conduct, in particular 'everyday' practices; (2) the

assumption that subjects are decentred, embodied, affective and dialogical; (3) a focus

that is both spatial and temporal; and (4) it is concerned with 'technologies of being'.

(Dicken *et al.* 2001). Yet while such studies broaden the research lens to include

networks of non-state actors, Actor-Network Theory has itself been critiqued for

overlooking the power dynamics that shape network interactions (Reimer and Leslie

2004). Thus, while it is necessary to account for the roles of multiple actors when

studying the regulation of labour standards, it is also essential to recognize power

differentials between different actors within a network of labour standards regulation.

In an attempt to overcome the limitations of these approaches, Dicken *et al.*

(2001) articulate a network-based methodology that attempts to account for both the roles

of multiple actors in the social organization of production and consumption networks, as

well as the power relationships that shape the interactions between network actors. They

define a network as "relational processes, which, when realized empirically within

distinct time- and space-specific contexts, produce observable patterns in the global

economy" (91). The network becomes the foundational unit of analysis, rather than

individuals, firms, or states, for example. From this perspective, the global economy is

"constituted by '*spaces of network relations*'" (97) (*emphasis added*) which include

actors such as individuals, households, firms, industries, states, unions, other

organizations and institutions; need to understand intentions and motivations of these

actors and power within their network relationships; network relationships are embedded in particular spaces. Thus, when studying networks, there is the need to: "identify actors in networks, their ongoing relations and the structural outcomes of these relations" (91). This approach, it is claimed, enables one to study multiple scales of analysis (local, national, regional, global), whereby no single institutional or organizational focus is privileged. The approach is cautious about generalization, but attempts to recognize the structural power relations within the global economy as a whole. Thus, "thinking in terms of a global actor-network…allows direct connections to be made between geographically distant consumers and producers, and the intermediaries in between" (106). Overall, this network approach attempts to both broaden the analytic focus taken by most GCC research and incorporate an analysis of structural power missing from the ANT framework.

When taking this approach, it is essential to avoid detaching networks from the social and economic context within which they operate. As Collins and Quark (2006) state, what is needed is a "power-sensitive analysis of social embeddedness; one that allows us to examine the degree to which, and the methods through which, local institutions can regulate and socialize the profit-seeking of corporate actors" (307). Thus, while maintaining a focus on networks, and while recognizing that processes of production and consumption are embedded within such networks, this approach needs to recognize as well that networks themselves emerge within and are produced by particular economic and social relationships, specifically that networks of production and consumption may be embedded within the dynamics of capital accumulation. In other words, contemporary transnational production and consumption networks arise out of the

reorganization of capital accumulation in the global economy ('globalization').

This paper thus develops its analysis of the ITF global labour rights strategy through the insights from the political economy and network-focused literatures discussed above. The ITF approach is presented as regulatory processes within this framework: it seeks to establish practices to regulate labour standards through networks that are constituted by across transnational space by multiple actors. More generally, through studying the ITF strategy from a network approach, the paper aims to develop a multi-scalar perspective on labour rights regulation. It does so by identifying the ways in which international institutions and instruments may take on strategic importance in localized contexts, while at the same time recognizing that the network remains embedded within the social relations of global capitalism and therefore its limits are shaped by the dynamics of capital accumulation and capitalist power. Overall, this multi-faceted 'political economies of regulation' perspective provides the means to theorize the ways in which the regulation of labour standards is embedded in a range of economic, political, and social relationships constructed through networks of actors.

Thus far, the analytic framework has been conceptualized in necessarily abstract terms. However, the ultimate aim of network analysis is to illustrate very particular processes, instruments and actors. As Dicken *et al.* (2001: 104) state:

> The ability of actors to reach across space and act at a distance ultimately depends upon entraining other actors *and* the necessary material objects, codes, procedural frameworks and so on that are required to effect the activation of power. *A fundamental part of extended network construction is the ability to create and manage the knowledge, vocabulary, procedures, rules, and technologies through which economic activity is conducted. (emphasis added)*

The paper now turns to an illustration of these more concrete aspects of labour standards

regulation.

THE ITF GLOBAL LABOUR RIGHTS STRATEGY

The International Transport Workers' Federation is a Global Union Federation of over 700 union affiliates representing approximately 4.6 million workers in 155 countries.[15] The ITF was founded in 1896 in London, England, to promote international solidarity amongst seafarers and dockers.[16] It has expanded to include affiliates from a wide range of transport industries and currently represents workers who work on ships, ports, railways, road freight, passenger transport, inland waterways, fisheries, tourism and civil aviation.

This paper focuses on the work of the ITF to improve international labour standards for seafarers. Seafarers are those who work in the maritime transport industry on ships that transport goods around the globe. There are approximately 1.5 million seafarers worldwide, and over 600,000 are represented by unions affiliated with the ITF. Seafarers often face extreme hardships with respect to working conditions on the ships (ITF 2006). An ITF official explains:

> The area with the most difficulty is seafarers. The majority of their working time is out of reach of union support, police, factory inspectors, or anyone. They're on their own. They are highly vulnerable because they are totally isolated at sea. The only time they can contact someone is when they are in a port thousands of miles away from home. Add to that a large portion of the industry has opted out of even minimal national legislation by registering ships with flags of convenience…So a US oil tanker registers in Liberia for example. Then the Liberian government is responsible for legislative regulation. … But the government in Liberia has no capacity to do that. We can see a situation where 40,000 Filipino workers would

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[15] Accessed June 2010 at http://www.itfglobal.org/about-us/moreabout.cfm.
[16] International Transport Workers' Federation, *About the ITF* (*no date*). Accessed June 2010 at http://www.itfglobal.org/files/extranet/-1/968/aboutitfleaflet.pdf. For a detailed history of the ITF see ITF (1996)

be under the regulation of Liberia. There are very minimum standards for seafarers.[17]

As a Global Union Federation, the ITF facilitates coordination between affiliates, including communication and information sharing, as well as the promotion of solidarity actions. It also engages in international campaigns to promote labour rights, provides representation within international institutions such as the ILO, conducts international-level bargaining with international employers associations, and coordinates a local-level labour standards inspections system to promote the labour rights of seafarers. In what follows, the paper outlines the core elements of the ITF's global labour rights strategy, which as discussed above, links international norms with collective bargaining and local-level enforcement. Through a multi-scalar, network-based lens, it is possible to construct an analysis that reveals the connections between the local and global through this strategy. Rather than separate and distinct scales, they can be seen as mutually reinforcing. Moreover, through this frame, it also becomes possible to investigate the potential for international norms to be used as strategic tools in efforts to re-shape conditions of global capitalism through campaigns and tactics that are rooted in localized practices.

ILO Maritime Labour Convention, 2006

The ILO's Maritime Labour Convention (MLC), which was introduced in 2006, is a key element of the ITF strategy. The convention consolidates over 60 ILO conventions and

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[17] Interview, ITF-1, December 2007. See also *Workers Rights are Human Rights: An ITF Resource Book for Trade Unionists in the Transport Sector* (*no date*, pp. 41-43) for a brief discussion of working conditions of seafarers.

recommendations that pertain to seafarers. Its aim is to establish a core set of labour

standards for seafarers to counter the extreme conditions of labour exploitation they face

in this global industry.[18] The convention sets minimum employment standards for

seafarers including standards that relate to: minimum age of employment; minimum

wages (establishing that workers must have regular pay periods); maximum work hours

of 14 hours per day; overtime regulations; and accommodations on ships. The convention

also includes the ILO's core labour standards of freedom of association, the elimination

of forced labour and child labour, and protections against discrimination. In conjunction

with the Convention, the ILO developed a five-year plan to ensure its implementation by

2011 (ILO 2007).

On its own, the convention is characterized by many of the same limitations of all

ILO standards, as discussed above. Specifically, the implementation of ILO standards

depends upon the actions of member states. Unless the ILO convention is ratified by

member states, and subsequently introduced into a national legislative framework, it does

not apply (ILO 2009). In terms of the MLC, it will come into effect 12 months after it has

been ratified by at least 30 member states, accounting for one third of the world's

shipping fleet (ILO 2006). As of July 2010, the convention had been ratified by 10 ILO

member states: Bahamas, Bosnia, Bulgaria, Canada, Croatia, Liberia, Marshall Islands,

Norway, Panama, and Spain.[19] Moreover, for the convention to apply it must be ratified

by the country with which the ship is registered. Many ships are registered in countries

with very weak national labour legislation as a way for ship owners to escape regulation

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[18] Juan Somavia, "A new "bill of rights" for the maritime sector: A model for fair globalization", April 2006. See also ITF, *A Seafarers' Bill of Rights: An ITF Guide for Seafarers to the ILO Maritime Labour Convention, 2006* (no date).

[19] International Labour Organization, www.ilo.org/ilolex/cgi-lex/ratifce.pl?C186. Accessed July 2010.

(known as Flags of Convenience [FOC]) (*discussed below*).[20] While the ILO's Maritime

Labour Convention establishes key labour standards for seafarers, its ability to enforce

those standards on its own is highly limited.[21]

As a key proponent of the convention, the ITF has taken a threefold strategy to

increase its overall effectiveness. First, a major focus of the ITF's political campaign is to

promote ratification and implementation of the convention.[22] Second, the ITF is working

with the ILO to working to educate governments and shipowners about the Convention

and make as a way to promote compliance once implementation has occurred. Third, as

the convention suffers from the same problems of many ILO conventions – those being

voluntary adoption and a lack of effective enforcement mechanisms – the ITF has sought

to ensure implementation of and compliance with ILO norms by integrating the

convention into a process of transnational collective bargaining.

The International Bargaining Forum

As discussed above, international framework agreements have emerged as strategy of

some Global Union Federations in order to create a collective bargaining process with

transnational corporations that could extend into transnational production chains. The ITF

participates in such a process for the global shipping industry through the International

Bargaining Forum (IBF), which formed in 2003. It brings the ITF into negotiations with

the International Maritime Employers' Committee (IMEC), the Korea Shipowners'

Association (KSA), and the International Seafarers Employers' Group (ISIG). While a

common critique of most framework agreements is that they are only negotiated with

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[20] Interviews, ITF-1, December 2007; ITF-3, August 2009.
[21] Interviews, ITF-1, December 2007; ITF-7, August 2009.
[22] Interview, ITF-4, August 2009.

transnationals from Western European, membership in the IBF is much more diverse. In addition to shipowners from Korea, it's membership includes shipowners from Australia, Austria, Bahamas, Canada, Chili, Cyprus, Croatia, Denmark, France, Germany, Greece, Hong Kong, India, Iran, Isle of Man, Italy, Latvia, Lithuania, Luxembourg, Kuwait, Monaco, the Netherlands, Norway, Philippines, Poland, Romania, Russia, Singapore, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Turkey, the UK, the USA, and the United Arab Emirates (*see Table 1*).

Insert Table 1 - # of Shipping Companies with Membership in IMEC, by Country or Origin

Through the IBF, a framework agreement is negotiated to establish "the standard terms and conditions applicable only to seafarers serving on any ship owned or operated by a company in membership with the Joint Negotiating Group in respect of which there is in existence an IBF Special Agreement".[23] The 2008-09 IBF Framework Agreement included the following as basic standards: a nine month period of employment; an eight hour work day; overtime hours paid at 1.25 the normal rate of pay; a minimum of nine holidays per year; a minimum of ten hours of rest per day; and protection against workplace harassment as established in the Maritime Labour Convention.

As it is a collective agreement negotiated with shipowners, the IBF process provides a mechanism to implement and enforce ILO conventions outside the ILO ratification process. The IBF agreement is applicable to all shipowners who are members:

> The International Bargaining Forum … creates a set of basic standards…detailed standards for the ship. It creates a global wage settlement, with an enforcement

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[23] 2008–2009 International Bargaining Forum Framework Total Crew Cost Agreement.

mechanism with ITF inspectors. We have about 1/3 of world's FOC fleet under ITF agreements.[24]

Moreover, while International Framework Agreements have been critiqued for a lack of enforcement, the ITF sees the IBF agreement as overcoming this weakness. Unlike the most framework agreements, the ITF-IBF agreement is enforced through an inspections system, which is made up of ITF inspectors located at ports around the world:

> We put pressure - economic pressure and moral pressure - to voluntarily sign a CBA. It is an enforceable contract…enforceable by us.[25]

Thus, for the ITF, the IBF creates "a Collective Agreement applied at an international level".[26] Though the process is still in its infancy, ITF representatives consider the IBF as creating the potential to establish international benchmarks for labour standards for seafarers.[27] However, as implied in the above statement regarding "pressure", like the ILO Maritime Convention, the IBF agreement is insufficient to create a system of labour rights on its own. The agreement itself is implemented through this system of labour rights inspection carried out by ITF inspectors.

ITF Inspections

It is in the ports where ITF inspections take place, making port sites a space where the global and the local meet. The inspections process is a key component of the ITF global labour rights strategy, as ITF inspectors engage in a process of ship inspection to determine compliance with the collective agreements discussed above. The inspections

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[24] Interview, ITF-1, December 2007.
[25] Interview, ITF-2. October 2008.
[26] Interview, ITF-1, December 2007.
[27] Interviews, ITF-3, ITF4, ITF-5, August 2009.

process, in effect, becomes a means to enforce the international standards that are present in the IBF agreements. At present, there are approximately 135 inspectors in major port cities around the world, including North America, the Philippines, India, Northern Europe, and the Mediterranean.[28] Full time inspectors will undertake approximately 100 inspections per year, while those who are employed part-time will conduct approximately 50 per year.[29]

When ships dock inspectors will attempt to go on board and will talk to crews about the working conditions on the ship. They also review ship logs to determine compliance with hours and wages standards:

> When you go board, you make sure of several things: that the negotiated collective agreements are being adhered to…you go through the wage accounts…you make sure that the time agreements are adhered to. As this is the big problem in these vessels, where the employer doesn't follow these agreements.[30]

And as discussed above, inspections often confirm that seafarers face frequent labour standards abuses:

> when we go first of all they hesitate but in confidence when I ask, the main grievances are no pay, back wages are always balance , no proper food, no proper accommodation, in cabin in three seafarers are staying, somewhere the cabins are not good, all sub-standard vessels…[31]

In cases where violations are found, the inspections process reduces the pressure on individual workers to file complaints with their employers as the complaints go through the ITF inspectors. Further, conducting the complaints process through the ITF creates

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[28] Interview, ITF-2, October 2008. Currently the ITF does not have inspectors in the Middle East, China, Burma, or the Maldives.
[29] Interview, ITF-4, August 2009.
[30] Interview, ITF-9, November 2009.
[31] Interview, ITF-8, August 2009.

the capacity to develop a stronger enforcement mechanism, utilizing the resources of the GUF to back the complaints:

> The enforcement arm is the ITF inspectorate. If a ship owner doesn't comply we hammer him and make sure the crew gets wages.[32]

More specifically, if shipowners fail to address labour standards violations, the ITF has a variety of responses to employ in attempt to gain compliance from the shipowner in question. The ITF inspector may engage with local authorities to 'arrest' the ship: have it held in port until the violations are addressed. The actions of the inspectors are also supported by the potential for workplace action by ship crews if labour standards violations are not addressed:

> A crew will take industrial action….if they haven't received salary, they might hang a sheet over side of the boat saying 'on strike'… When push comes to shove, if we can't negotiate with ship owner then the crew takes action.[33]

The inspector may also raise the prospect of local dockworkers engaging in solidarity actions (*discussed below*) to support the complaints of the seafarers on board. If the ship leaves port without complaints being addressed, the ITF may also utilize its network of inspectors to track ships from port to port until they can be forced to address complaints.[34]

There are two dimensions to the ITF labour standards inspections process. As outlined above, the inspectors board ships to inspect for labour standards violations by meeting with the crew and reviewing ship logs. The second aspect of the inspections

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[32] Interview, ITF-2, October 2008.
[33] Interview, ITF-2, October 2008.
[34] Interviews, ITF-1, December 2007; ITF-3, August 2009.

process involves using the inspections process to facilitate union organizing.[35]

Specifically, as approximately only one-third of ships are covered by collective

agreements, inspectors will attempt to "put pressure on ship owners that don't have

bargaining agreements in place to encourage to sign CBAs with a union".[36]

> The role of the ITF inspectors is to ensure first of all that ships coming into port that they have valid agreements, ITF approved agreements, if at all they don't have ITF approved agreements then to try and ensure that they sign up ITF approved agreements. And to ensure that the working and living conditions and wage conditions of the seafarers on the board are protected. I mean this is what the whole Flag of Convenience campaign is all about. There should be internationally acceptable agreements on board, ITF acceptable agreements.[37]

Ship inspectors also report referencing the ILO Maritime Labour Convention as

part of their strategy in pressuring shipowners into settling labour standards complaints,

even though it has not yet been brought into force.[38] In this way, rather than a stand-alone

instrument with a weak enforcement mechanism, it may be incorporated into a broader

strategy of labour rights regulation where it becomes a tool in conjunction with other

measures.

While the inspections process creates enforcement capacities for the international

standards of the framework agreement, the process is far from smooth. ITF inspectors

report ongoing difficulties in getting on to ships and getting access to ship records, as

they face resistance to boarding ships from shipowners and captains.[39] Once on board,

crews may be unaware of whether or not there is a collective agreement in force,[40] and

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[35] Interview, ITF-8, August 2009.
[36] Interview, ITF-2, October 2008.
[37] Interview, ITF-3, August 2009. This interviewee reported that there are about close to 20,000 (FOC) vessels sailing around the world and we cover about 9,000 of them under our agreements.
[38] Interview, ITF-10, June 2010.
[39] Interviews, ITF-3, August 2009; ITF-9, November 2009.
[40] Interview, ITF-9, November 2009.

may be very reluctant to be open about their experiences due to fear of a variety of forms

of retribution:

> Access to the crew is one very big problem, generally people find. It could be because of bad owners, bad captains and to be realistic it's also the fear amongst the seafarers because of which it becomes a big obstacle. The inspector knows, the seafarers know that they are being exploited, and yet you know they need their job…[41]

> And sometimes it is also the fear factor; it depends where you are coming. A seafarer is afraid, that if he makes a complaint to a ITF inspector, and when he goes back he might be subjected to violence, he might be subjected to denial of a job next time and it can be both the government as well as the manning agents. They black list the seafarers, they call them trouble shooters … and it happens with the word of mouth.[42]

Another problem relates to retribution for a settlement once a vessel has left port:

> …after they sail out from the port, these owners and the captain try to force the sea farers and get back the money that they have received after the campaign, after the ITF getting do their action and getting these people pay in a proper manner. They try to snatch this money back again and make … their salary to a lower level. That is totally being practiced…[43]

Finally, the Flag of Convenience (FOC) system compounds the problems faced by

ITF inspectors as shipowners register with low labour standards countries as a means to

avoid labour standards violations:

> An owner who is from his country suppose if he registers his ship, he in his own country then he has to go under all legal taxes, jurisdiction then he has to take seafarers from his own country and they have to pay the salary as per the countries union activities. So to avoid all this, an owner always tries to register his company where there are no laws. Like there are about 32 FOC countries are there, for example Panama, Liberia, Saint Antigua Barbara and all that. They

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[41] Interview, ITF-3, August 2009.
[42] Interview, ITF-4, August 2009.
[43] Interview, ITF-6, August 2009.

register the ship over there where no law is there, they will just register the ship and they are free to employ any seafarer from all over the world and with their own salary and all that, so no union will be involved, no law will be applied on them, that is known as FOC.[44]

Inspectors report that the FOC system enhances the need to bring ships under the framework of IBF agreements.[45]

...you'll never get rid of the FOC program...I want this guy here to be as strong as the union dockers are. I want them to say...Screw you! My union says I don't have to do that. I have a union contract...if we can get that established then we have won the war.[46]

In order to create pressure on shipowners to allow access to ship crews and records, and to sign collective agreements where none exist, ITF inspectors utilize another element of the overall labour rights strategy: the potential for solidarity action by dockworkers to support the inspections process.

Labour Solidarity on the Docks

The inspections system, while creating capacities for enforcement of international labour standards for seafarers, cannot do so on its own. Another key component of this system is the potential for solidarity actions undertaken by dockworkers in support of seafarers who are experiencing labour standards abuses. Building on the ability of dockworkers to exert collective pressure on shipowners through refusals to offload ships provides another way to enforce the international standards of the IBF agreements. Inspectors identify the potential for dockworker solidarity as a key dimension of the leverage they are able to

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[44] Interview, ITF-8, August 2009.
[45] Interview, ITF-3, August 2009.
[46] Interview, ITF-10, June 2010.

exert on shipowners to get access to ships and to ensure labour standards violations are

addressed:

> I will first try to negotiate with the company to correct the problems, get the
> wage, without trying to get other people into it. But in many cases you have to
> involve outside help. Particularly if you could engage the dockers' union, it's a big
> help. So I try to keep them as informed as possible, because they are an affiliate of
> the ITF.[47]

> [ITF] strength is good. But what gives us strength on the ground is locals like
> ILWU. They are well respected… it is the situation of leverage over the
> companies: do you want cargo and do you want it in a timely fashion...so that's
> the leverage.[48]

> Most ports' dockworkers won't load or unload. Certainly the vessel can't sail. If push
> comes to shove, if we can't negotiate with shipowner, then the crew takes action.[49]

> Promoting solidarity between affiliates is a primary goal of the ITF. The

coordination of solidarity actions between seafarers and dockworkers is a concrete

manifestation of this broader goal:

> What the ITF has done over the years is with inspectors. They go on ships and
> inspect. They issue a certificate to owners indicating their compliance with ITF
> conditions. In some cases we arrest ships and hold them in ports until the back
> pay is paid. The ability [to do that] depends on the dockworkers. They will refuse
> to unload ships. We have run an international solidarity campaign for 50 years.[50]

Through the engagement in solidarity action between seafarers and dockworkers, the ITF

links the inspections process (which is itself linked to both the IBF agreement and ILO

standards) to an approach rooted in local labour organizing.

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[47] Interview, ITF-9, November 2009.
[48] Interview, ITF-10, June 2010.
[49] Interview, ITF-2, Oct 2008.
[50] Interview ITF-1, December 2007.

Inspectors did not report the frequency of actual work stoppages engaged by dockworkers. Rather, the treat of work stoppage was articulated as a part of the overall inspections process, the *potential* result that could occur should shipowners fail to comply. The willingness and capacities of dockworkers to engage in these kinds of actions varies considerably, and is highly dependent upon conditions within dockworker local unions.[51] Nonetheless, all inspectors reported that the using the threat of dockworker solidarity is a regular feature in their repertoire of tactics they utilize to pressure employers. The role of dockworkers in supporting ITF inspections and thereby participating in an enforcement process for international labour standards again highlights the significance of ports as a space where the global and local meet.[52]

CONCLUSION: TOWARDS 'MULTI-SCALAR' TRANSNATIONAL LABOUR RIGHTS REGULATION

This analysis of the ITF's global labour rights strategy illustrates a multi-scalar approach to labour rights regulation. The approach brings together international labour standards, an international framework agreement, a local labour standards inspection process, and local, workplace-based solidarity actions. In this framework, it becomes possible to see the connections between the 'global' and the 'local', and between different links in a network of actors and institutions where the relationships are mutually reinforcing, rather than hierarchical. This multi-scalar approach is illustrated in Figure 1.

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[51] Interview, ITF-3, August 2009.

[52] One inspector reported that as a strategy to avoid these kinds of pressures, shipowners are starting to unload ships in low labour standards locations and then ship goods by ground transport. For example, unloading in Mexico and then trucking goods into the United States, rather than unloading on the West Coast of the United States. Interview ITF-10, June 2010.

Insert Figure 1 – Multi-scalar Transnational Labour Rights Regulation

A network analysis of this process illustrates the ways in which these actors and institutions are linked through relationships that are interdependent. The standards of the ILO are implemented through the collective agreement negotiated through the International Bargaining Forum. The IBF agreement is enforced through the inspections process carried out by ITF inspectors in port cities. The work of the ITF inspectors is supported through pressure created by the potential for solidarity actions on the part of dockworkers. Building a network in this way illustrates the potential for multiple and interacting sites of labour standards regulation involving both international and localized institutions and actors. This approach recognizes the power of capital and the regulatory role of states, but also recognizes the role of non-state actors and the agency of workers and their organizations in shaping the dynamics of global capital. Moreover, it is built on a recognition of the "intermingling" that happens through different geographical scales (global, regional, national, and local) (Dicken et al 2001:95) without privileging one scale the analytical expense of others.

It also raises several less abstract implications. First, by identifying the ways in which the ITF has integrated the ILO Maritime Convention into its labour rights strategy, specifically through the IBF framework agreement and the inspections process, it challenges the assumption that international standards are 'toothless'. Instead, it illustrates the potential for such instruments to be utilized as strategic tools as part of a broader labour movement strategy. Second, in identifying the ways in which the ITF has developed an inspections process to enforce the IBF agreements, it provides indication of

how an international framework agreement could be implemented at the level of a local worksite.

These findings only become apparent when taking the kind of 'multi-scalar' perspective developed here. Thus the analysis illustrates that the gap between international norms and local enforcement is not insurmountable. It also highlights the need for further study of the spatial dynamics of labour standards regulation and labour solidarity, as local labour practices will create variation in the ITF global labour rights strategy. The method of Global Ethnography as outlined by Webster (2010:8), which emphasizes the need to "ground the global in specific places whilst achieving a deeper understanding of micro processes and how they interact with macro global forces", provides an approach oriented to this task.

Analyzing this network of labour rights regulation with a multi-scalar lens raises prospects for ways in which transnational labour rights regulation may move beyond the unilateral, privatized forms of regulation promoted through corporate codes of conduct. It illustrates the ways in which international standards may be combined with localized mechanisms of implementation and enforcement. And most importantly, it highlights the centrality of locally based labour organizing in the process of challenging the power of transnational capital.

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Table 1 – # of Shipping Companies with Membership in IMEC, by Country of Origin

Shipping Company Country of Origin	# of Companies with Membership in IMEC
Greece	15
Cyprus, Singapore, UK	11
Denmark, Italy	7
Hong Kong	6
Germany, Isle of Man	5
Norway, USA	4
France, India, Latvia, Monaco, Netherlands, Russia	3
Bahamas, Iran, Kuwait, Philippines, Romania, Turkey, UAE	2
Australia, Austria, Canada, Chili, Croatia, Lithuania, Luxembourg, Poland, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Taiwan	1
	Total: 132

Source: International Maritime Employers Committee, www.imec.org.uk/members-list.php. Acccessed June 2010.

Figure 1 – Multi-scalar Transnational Labour Rights Regulation

International standards	ILO Maritime Labour Convention
International Framework Agreement	International Bargaining Forum
Nation-State Regulation	Ratification of MLC
Worksite Collective Agreements	ITF ship CBAs
Local Labour Standards Inspection	ITF Port Inspectors
Local Labour Solidarity	Dockworker support for inspectors and seafarers