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Preparing for the Long Haul

Negotiating International Framework Agreements in the Global Textile, Garment and Footwear Sector

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ABSTRACT This article outlines the policy and practice of the International Textile, Garment and Leather Workers' Federation (ITGLWF) with respect to multinationals in the sector. It concludes that while the multinational policy of the ITGLWF is in line with other global union federations, the negotiation of International Framework Agreements is proving to be a much harder objective to realize. This can, in part, be explained by an anti-union stance on the part of some multinationals, a plethora of existing voluntary initiatives, and possible collective employer resistance to such a development.

KEYWORDS *codes of conduct, corporate social responsibility, international framework agreements, multinationals, supply chains in textile clothing and footwear*

Introduction

The increasing liberalization of trade, which has been accelerating apace as we move into the new millennium, has come at considerable cost to the enforcement of global social policy. Despite strenuous efforts to build social clauses into trade agreements, the governments of developing countries have set up export processing zones in which national labour legislation is relaxed in efforts to attract inward foreign investment into these newly created industrial parks. Despite the existence of an international normative framework of social policy in the form of International Labour Organisation (ILO) conventions and recommendations, the lack of an enforcement mechanism has meant that the implementation of such policy has largely been left to unsatisfactory privatized efforts as multinational companies

have grappled with the adverse publicity generated by the abuses of worker rights which have come to light along their supply chains. Many of these 'privatized' initiatives have evolved under the intense scrutiny and in some cases with participation of non-governmental organizations (NGOs), investors and consumers. But what role has organized labour played in efforts to patrol and police the supply chains of the new global economy?

In 1989 the French foodstuffs company Danone signed the first global agreement with the IUF,¹ the global union federation representing workers in the foodstuffs industry. In the field of global social policy this heralded a new instrument, subsequently called an international framework agreement (IFA) – which sought to establish a formal relationship between the central management of the company and an international trade union organization. In the Danone agreement, the company and the IUF pledged their commitment to work together in the areas of training, information disclosure, trade union rights, employment and gender equality (cf. Justice, 2001). From a trade union perspective, such agreements, which now number 20 (see Appendix 1), can achieve a number of different objectives for global unions. First, their prime function is to oblige transnational employers to fulfil their social responsibilities as a (direct and indirect) global employer in respect of the implementation of internationally recognized labour standards. In this regard they move the issue of corporate social responsibility from unilateral managerial control (corporate codes of conduct) into the domain of collective bargaining (Torres and Gunnes, 2002). Second, review and implementation procedures in IFAs provide for ongoing social dialogue between the parties to the agreement. Third, unlike many corporate codes of conduct, existing international framework agreements take the core labour standards of freedom of association,² and the right to engage in collective bargaining,³ as their minimum normative tenets. Such provisions can enable pressure to be applied from above in those circumstances where national efforts to achieve trade union recognition meet resistance from local management of the multinational in question or one of its commercial partners (i.e. a subcontractor or supplier) (Wills, 2002).

In 2000 the International Textile, Garment and Leather Workers' Federation (ITGLWF) – the global union which represents workers in textiles, clothing and footwear (TCF) adopted a policy on international framework agreements and multinational companies at its World Congress⁴, broadly in line with that pursued by other global union federations. Textiles, clothing and footwear is a sector which is labour intensive with a combined employment of 29.3m (ILO, 2000: 13) and in which, arguably, the processes of globalization have been profound and strongly negative in effect. With persistently high levels of child labour, forced labour, discrimination and violations of basic trade union rights in the sector (ILO, 2000: 53–85), the need for social dialogue at an international level in TCF has, arguably, become greater than ever, and, with an affiliated global trade union density

of only 30% (10m), trade union recruitment and organization are certainly very high on the agenda of the ITGLWF.

However, progress in negotiating international framework agreements with multinationals in the sector has been slow. Although three of the multinationals – IKEA, Freudenberg and Carrefour – which have signed IFAs have interests in textiles or clothing, these agreements have been negotiated with other global union federations. Drawing on findings from action research conducted by the ITGLWF, this article seeks to explain why such agreements are proving to be much harder an objective to realize within TCF. Notwithstanding the limited human and financial resources of the ITGLWF, a dependency on external agencies for funding, and the extent to which affiliates are prepared to engage in the process of moving towards a global union (factors which are not lost on a number of other global union federations), this article attempts to show that explanations are to be found in factors which are particular to the sector. The complex supply chain relationships which prevail in TCF not only pose challenges to the researching and organizing capacities of the ITGLWF, but also, by their nature, warrant more far-reaching normative provisions than in those found in those framework agreements which have been negotiated thus far. A further specific explanation is to be found in the overabundance of existing regulatory frameworks or codes of conduct which employers are able to advance as alternatives to an international trade union approach. This, combined with an anti-union stance on the part of many employers in the sector, renders the process of engaging in dialogue with multinationals on this issue a complex one. Finally, and crucially, the negotiation and successful implementation of this new trade union instrument of global social policy in TCF is going to depend on the organizing and networking potential and internationalist perspective of the ITGLWF's own affiliates.

Multinationals, Supply Chains and Industrial Relations in Textiles, Clothing and Footwear

Transnational capital in TCF is characterized by complex supply relationships which exist between different types of multinational companies operating upstream and downstream in the value chains in the sector (Barrientos, 2002). Upstream, i.e. at the source end of the labour process, there are multinationals which specialize in the manufacture of raw materials (e.g. Far Eastern Textiles [Taiwan]), yarn (Coats plc [UK]), fabrics (Arvind [India]; Nien Hsing [Taiwan]) and components (YKK [Japan]). Where global brands are concerned, orders may be contracted by merchandiser multinationals, such as Nike, Adidas and Reebok, or by high street retailers (H&M [Sweden]; Marks and Spencer [UK]) through supply chain management companies (Li & Fung [Hong Kong]; Mast Industries [USA]),

themselves multinationals, which undertake to source and ship bulk orders of garments on their behalf. Some Asian footwear and garment assembly/suppliers have since become major multinationals in their own right. For example, Nike, Reebok and Adidas source a significant percentage of their supply of athletic footwear from the Taiwanese manufacturer Pou Yuen, which runs a vertically integrated operation from huge factory complexes in China, Vietnam and Indonesia. Nien Hsing, which sources major brands and retailers such as Lee, Levi Strauss, K-Mart; JC Penney; and Bugle Boy, manufactures denim fabric and jeanswear from factories in Nicaragua, Mexico, Taiwan, Lesotho and Swaziland. In some cases, notably in jeans wear, US manufacturers e.g. Levi Strauss and Vanity Fair (Wrangler and Lee) once pursued a policy of running their own manufacturing locations. (SOMO [Stichting Onderzoek Multinational Ondernemingen], 2003). However, competitive pressures have forced these companies to restructure, with Levi Strauss, for example, announcing closure of their US plants,⁵ and both Levi Strauss and Vanity Fair shifting their supply for the European Union (EU) market from Western to Central and Eastern Europe via an increase in their use of subcontractors (Payne, 2001). Vanity Fair and Levi Strauss are now engaging very much the same type of supply chain strategy as that pursued by major merchandiser multinationals such as Nike, Adidas and the GAP in the global sportswear and youth fashion industry, whereby focus is placed on the development of their brand image through marketing and design, and production, packaging and delivery to market is left to other companies (Klein, 2000). Levi Strauss is a particular case in point. In addition to the company's owned manufacturing facilities, it now sub-contracts to some 540 companies worldwide (Fair Labour Association [FLA], 2003). In the Pan Euro Mediterranean zone, for example, Levi Strauss & Co. owns manufacturing units in Poland, Hungary, Turkey, Malta and Spain, having restructured its owned manufacturing capacity from Western to Central and Eastern Europe. Beyond this, the company sub-contracts its manufacture to Portugal (7 companies), Spain (5), France (2), Italy (10), Greece (8), Turkey (12), Malta (4), Morocco (7) and Tunisia (25). Globally Levi Strauss has supply contracts for denim from Cone Mills and Burlington – multinationals with their own supply chains – and Coats plc for thread, and the company has a contract with the logistics multinational Tibbet & Britten to organize the transport and distribution of its product within the Pan Euro Mediterranean area.⁶

The emergence of these highly complex buyer-driven supply chain networks (Dicken and Hassler, 2000; Gerrefi and Korzeniewicz, 1994; Hurley, 2003) has contributed to a major increase in subcontracting, particularly in the global markets for garments and footwear. It is estimated that in garments alone, there are some 300,000 supplier firms operating in developing countries.⁷ The driver for this trend has been the negotiation of bilateral trade agreements between national governments and the USA and the EU

respectively and the creation of export processing zones to create cheap and attractive locations for multinationals 'regime shopping' in the sector.

However, the precise locations of suppliers are generally known only to the prime contractor and its commercial partners and the extent of any sub-contracting and home working may in some cases not even be known to the contracting multinational. The absence of disclosure requirements in law (Bonacich and Esbenshade, 1999) keeps the reality of the employment relationship along these supply chains hidden. In the majority of cases it is the daily experience of women workers, which is concealed in labyrinthine commercial networks, as parts of garment manufacture and assembly, e.g. embroidery or stone washing are, in turn, sub-contracted out to other firms, home workers and shop-houses (Gallin, 2001; Hurley, 2003; McCormick and Schmitz, 2001).

Some patterns are emerging within this morass of commercial relationships. Increasingly, the co-sourcing model of supply chain management is establishing itself whereby the prime contractor/garment manufacturer specifies the fabric and/or components to be used by the subcontractor (De Coster, 2002). Consequently weavers and component manufacturers seek to develop commercial ties on a global scale with the co-sourcing garment manufacturers as well as with the prime contractors, all of which has a major impact on manufacturing location strategy. Coats plc, for example, a major supplier of Levi Strauss, has developed a strategy of pursuing 'global key accounts' with retailers and merchandisers in an effort to ensure that their thread is a required component of any garment manufactured on behalf of those retailers/merchandisers. Significantly, they have reorganized their production into bulk units in Hungary, China, India and Brazil located near garment assembly zones and smaller customer service units to deal with shorter runs with specialist colours.⁸

The principle of co-sourcing is even institutionalized in trade agreements and legislation as in the case of the US African Growth and Opportunity Act (AGOA) of 2000, which provides duty- and quota-free access to apparel from Sub-Saharan Africa providing it is manufactured with US/African made fabric. Under the terms of AGOA, third-party fabric (in this case of Asian origin) may be used in manufacture carried out in less developing countries (LDCs), a factor which has led to major increases in investment by Malaysian and Taiwanese multinationals into the region (De Haan and Phillips, 2002: 5–7).

In such a context of internationally competitive subcontracting, whereby product is acquired as cheaply as possible within given quality constraints, the downward pressure on labour conditions has become very heavy, leading to job insecurity, poverty wages, long hours, unhealthy working conditions, abusive management regimes, child labour and the suppression of trade union rights (Balakrishnan, 2002; Hurley, 2000, 2003; ILO, 2000: 53–85).⁹ In 2005, when the Agreement on Textiles and Clothing (ATC) ends, thereby

signalling a free for all in an unregulated global market for textiles and clothing, it is feared that national industries in some countries will virtually disappear as manufacturing is sucked into China as the cheapest source for labour in the industry.¹⁰

Codes of Conduct: The Problem of Over-Regulation

Such a 'race to the bottom' has come at a public relations and commercial cost to some major multinationals. From the mid 1990s to date, multinationals, particularly those in the high-street fashion and sports goods sectors, have been constantly on the defensive, responding to charges of violations of worker and trade union rights committed by one or more of their suppliers. Fuelled by the capacity of the Internet to wreak untold public relations damage, trade unions and NGOs patrolling the supply chains have waged numerous campaigns to force multinationals to face up to their corporate social responsibility. The multinational response in the sector has been a plethora of corporate policies and statements – generally known as 'codes of conduct'. These voluntary initiatives spell out a set of principles by which the multinational intends to conduct its business with its suppliers/partners, include some statement as to how these principles are to be applied throughout the supply chain, and make provision for the monitoring and/or verification of such application. While it can be said that many multinationals in TCF now perceive corporate social responsibility as a routine management function, there is great variety in the way that they seek to embrace the implementation of ethical practice within their supply chains.

In a sector where, in garments and footwear alone, it is estimated that there are 10,000 different ethical codes,¹¹ it is entirely possible for suppliers with multiple clients to be governed by a number of different codes of conduct with different normative content backed up by different monitoring and verification regimes. While some degree of universal consensus exists that the normative base for global social policy in the field of industrial relations derives from the UN's 'Fundamental Declaration of Human Rights', the existing ILO Conventions, the ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy and the OECD (Organisation for Economic Co-operation and Development) Guidelines for Multinational Enterprises, not all unilaterally issued corporate codes of conduct embodying such norms. The picture is then further muddied by the fact that some company codes may be overlapped by other instruments depending on the extent to which the client or the contractor have opted to become members of wider initiatives. Table 1 attempts to categorize these initiatives into an overview.

TABLE I *Types of code of conduct in TCF*

<i>Description</i>	<i>Example</i>
A <i>corporate</i> or company code of conduct	Adidas, Nike, Levi Strauss
A <i>multi-employer</i> code of conduct	American Apparel Manufacturer's Association World Responsible Apparel Production (WRAP) Guidelines ¹
A <i>multi-stakeholder</i> code of conduct	Fair Labour Association ² , Social Accountability 8000 ³ , Ethical Trading Initiative Base Code ⁴
A code of conduct negotiated between an <i>NGO</i> and a multinational	Swiss Clean Clothes Campaign/Migros ⁵
A multi-employer code negotiated with a <i>regional</i> organization of the ITGLWF	ETUF-TCL ⁶ /Euratex Charter ⁷
A multi-employer code negotiated with one or more <i>international</i> trade union organizations	FIFA Code of Labour Practice – World Federation of Sporting Goods Industries Code of Conduct, ICFTU/ITGLWF/FIET ⁸
A multi-employer code of conduct negotiated with a <i>national</i> union	Australian Homeworkers' Code of Practice between the Textile Clothing and Footwear Union and representatives of the retail and manufacturing sectors ⁹
An employer code of conduct negotiated with a single union	National 'Sports and Corporate Wear Ethical Clothing Deed' negotiated between Nike and TCFUA ¹⁰
A code of conduct negotiated between a <i>multinational</i> and a European works council/national union	Triumph Code of Conduct ¹¹ Benetton Code of Conduct

Notes:

1. <http://www.wrapapparel.org/> (WRAP has token NGO and Labour presence on its Board.)
2. <http://www.fairlabor.org/>
3. <http://www.cepaa.org/>
4. <http://www.ethicaltrade.org/>
5. http://www.cleanclothes.ch/d/Agreement_Swiss_Pilot.doc
6. European Trade Union Federation – Textiles Clothing and Leather
7. http://europa.eu.int/comm/employment_social/soc-dial/social/euro_agr/data/en/970710.doc
8. Although talks were held to establish a FIFA Code of Labour Practice the WFSGI pressed ahead with its own code of conduct. For an assessment of the differences cf. <http://www.indianet.nl/vbifif2.html> FIET – International Federation of Commercial, Clerical, Professional and Technical Employees.
9. http://www.tcfua.org.au/homeworkers_code.htm TCFUA – Textile Clothing and Footwear Union of Australia
10. <http://www.aapmedianet.com.au/scripts/DisplayRelease.dll?id=348954>
11. <http://www.itglwf.org/displaydocument.asp?DocType=Links&Index=63&Language=EN>

This picture is further complicated by the fact that some multinationals 'dabble' in more than one approach. Nike for example not only has its own in-house monitoring system established under the terms of its corporate code of conduct,¹² it is also a member of the Fair Labour Association, the Global Alliance for Workers and Communities,¹³ the UN's Global Compact and has recently signed an Ethical Clothing Deed with the Textile Clothing and Footwear Union of Australia. Levi Strauss & Co., the first multinational to adopt a set of sourcing guidelines for suppliers, was a member of the Fair Labor Association but relinquished its membership in favour of the UK based Ethical Trading Initiative (ETI). Not only are multinationals slowly coming to the conclusion that this duplication is inefficient and wasteful, the numerous multi-stakeholder initiatives, which have flourished since the late 1990s, have now realized that there are needless areas of overlap.¹⁴

It is not the intention here to cover some of the debates on codes of conduct. This has been done elsewhere (Ascoly et al., 2001; Hale and Shaw, 2001; Justice, 2001; Kearney 1999; Kearney and Justice, 2003; Klein, 2000; Maquila Solidarity Network, 2001; Pearson and Seyfang, 2001; Prakesh Sethi, 2003; Tsogas, 1999; Whitehouse, 2003). Nevertheless some comments are pertinent to an understanding of the position of the ITGLWF on this issue. Not only are initiatives constrained by confidentiality provisions and therefore a lack of transparency in terms of supplier locations, but many corporate codes either do not embrace the core ILO conventions or do so only partially (ILO, 2002; Pearson and Seyfang, 2001: 62). Most are gender blind (Turner, 2002), contain weak, non-existent implementation mechanisms, and demonstrate, in particular, a confusion between monitoring and verification (Ascoly et al., 2001; Chrobot, 2000; Justice, 2001). Furthermore, the legitimacy of monitors/verifiers, even in multi-stakeholder initiatives, has been called into question (Bendell, 2001; LARIC [Labour Rights in China], 1999; O'Rourke, 2002), particularly where they are asked to conduct their investigations where trade unions are already organized (Köpke, 1999) and some initiatives certify brands rather than factories (Garcia-Johnson and Sasser, 2001; Maquila Solidarity Network, 2001).

Table 1 reveals that a number of 'codes' have been subject to negotiation at different bargaining levels with trade union organizations. These, however, have tended to remain sectoral in nature at the level of a region or country. At the bargaining level of the multinational, however, apart from a handful of agreements negotiated with German multinationals (Miller, 2003), the picture is overwhelmingly dominated by unilaterally introduced corporate codes and/or company membership of multi-stakeholder initiatives (for a list cf. Bremer and Udovich, 2001).

ITGLWF Policy

Following experiences in Central America and Asia particularly,¹⁵ it had become clear to the ITGLWF that such company and multi-stakeholder corporate social responsibility initiatives (CSRs) initiatives were inappropriate policy tools for addressing the problems of sweated labour along supply chains. Although the 'race to the bottom' might only ever be effectively halted by properly administered labour legislation based on the ratification of key ILO conventions in all supplier countries, the suspension of existing labour laws in the majority of the world's export processing zones (EPZs) effectively means that for the foreseeable future a voluntary route has to be taken. This has had three policy implications for the ITGLWF. First, it has been necessary for the ITGLWF to engage in the standard-setting processes of those multi-stakeholder initiatives which enjoy some credibility across the sector – notably the ETI and Social Accountability International's SA 8000 certification programme.¹⁶ Second, the ITGLWF continues to hold multinationals to the norms of their existing corporate codes of conduct (particularly those referring to freedom of association and collective bargaining) in cases where their suppliers and subcontractors have failed to honour the terms of such codes,¹⁷ and these have come to light in the form of complaints. Third, in line with the policy of other Global Union Federations, the ITGLWF has embarked on a process of developing a social dialogue with multinationals for the purpose of negotiating international framework agreements. The purpose of such a strategy is to ensure that norms regulating supply chain relationships are *negotiated* rather than unilaterally issued by a multinational. Furthermore, ITGLWF policy seeks full disclosure by multinationals of supplier locations, including licensees, subcontractors and sub-subcontractors and franchise holders. The by no means exhaustive schedule of standards contained in such an agreement will incorporate both the ILO Conventions and OECD Guidelines. IFAs are furthermore intended to place a duty on the multinational and its subsidiaries to give due consideration to such *minimum* labour standards prior to making any business decision, placing any order with principal suppliers, or engaging contractors and subcontractors or granting licenses. Finally, a management implementation system is viewed as a central component of any IFA providing for the appointment of a dedicated senior management representative, a policy on social accountability and labour conditions committing the company to the terms of the IFA, and a mechanism for making this policy available in an accessible form to all employees within the organization and supply chain. In addition to a procedure for monitoring, verification and corrective action, the draft IFA makes provision for a review procedure. Under such provisions the company, the ITGLWF and, where appropriate, the ITGLWF affiliate organizing in the company's headquarters would meet at least once a year to discuss any unattended breaches of standards which merited remedial action

(ITGLWF, 2002). Significantly the ITGLWF's view on monitoring is that this is a management responsibility and essentially an exercise in information gathering, which is then verified by an auditor who would be independently appointed (ideally by the ILO) (Kearney, 1999). The collective view of the global unions federations is that monitoring/verification procedures are no substitute for a recognized trade union, which has the capacity to police the national labour law and improve terms and conditions through the processes of collective bargaining (Justice, 2001). In the case of the ITGLWF, however, which seeks to negotiate IFAs with those merchandiser multinationals sourcing their product from complex and generally unorganized supply chains, such a form of policing of social policy has to be a necessary temporary (but long-term) component of such an agreement.

Towards International Framework Agreements: Putting Policy into Practice

The concept of an IFA was central to the policy on multinationals put to Congress in Sweden in June 2000 and in order to focus this policy, the Strategic Approaches Committee of the ITGLWF selected a number of multinationals in the industry which were to be targets of an action research project. The objectives of this project, which commenced in April 2000, were fourfold. First, there would be in-depth corporate profiling to determine the specifics of the supply chain relationship and to establish sites of organization along the chain. Second, educational and research activity along the supply chains of the targeted multinationals would be used to establish global coordinating committees. Third, where appropriate, the ITGLWF would assist local recognition campaigns by providing the back-up research to assist affiliates to bring pressure to bear downstream in the supply chain. Lastly, the ITGLWF would foster existing and new relationships with the senior management of key multinationals to commence the process of dialogue towards the negotiation of an international framework agreement with the multinational companies (MNCs) in question. The action research involved Internet based corporate research enhanced by questionnaires to affiliates, attendance at European Works Council (EWC) meetings, discussions and correspondence with corporate human resource (HR)/compliance managers, the study of ITGLWF minutes and reports and detailed workplace reports submitted by trade union delegates to regional and multinational workshops, and reflective practice.

TARGETING VS ORGANIZING?

The initial list of targeted companies was carefully drawn up by the Strategic Approaches Committee of the Presidium of the ITGLWF and included multinationals with *pro* and *anti* trade union stances and with headquarters

or major activities in the four world regions of the ITGLWF. Criteria for selection included such factors as brand sensitivity and global reach, manufacturing locations, leverage points including the existence of strong issues, around which organizing campaigns might be built, the existence of a recognized trade union presence within the headquarters company/country and crucially the achievability of an IFA with the company in question. From the outset the ITGLWF was keen to avoid any agreement which would be nothing more than a public relations paper gesture with no real effect. There was a realization that some targets would therefore become long-term objectives, whereby a process of attrition and/or the generation of a critical mass of global protest might provide an opportunity for global social dialogue. There was also a realization that in the case of some companies, e.g. Nien Hsing and the Chentex¹⁸ recognition dispute in Nicaragua, opportunities may have temporarily been missed. In addition there is the problem that an IFA may be perceived as a 'top down' device, intended to pave the way for organizing at a factory where there is no real organizational base in terms of workers who have been brought together out of a need to address specific grievances or human rights violations at their place of work, or indeed, where a 'sweetheart' union is given credence by a local management team in favour of an independent affiliate union of the ITGLWF. In short, although an international framework agreement is seen as a potential 'enabling' tool for organizing, it is not intended to preclude any ongoing organizing efforts in the multinationals in question.

THE 'TARGETS'

Some priority was initially given to *Company A*, which has a history of engagement and dialogue with trade unions both in the headquarters' country and within its wholly owned international operations. As a globally based, wholly owned component supplier, garment subcontractor, home furnishings and fashion retailer, *Company A* had been seeking to secure commercial contracts with major retailers and merchandisers and manufacturers and in turn had been subject to the code compliance procedures of these companies. Although the company has an existing set of worldwide standards, these constituted more a statement of intent and in the absence of any management system and implementation procedure could not be said to constitute a code of conduct by any existing yardsticks in the industry. Central management clearly perceived the business case for a robust framework for managing employment standards throughout its owned operations and hence were open to dialogue, albeit cautiously and slowly, with the ITGLWF on an agreement. Although *Company A's* brands were known to the industry as component brands, they would have no real value for an NGO led consumer campaign, were such an initiative to prove necessary. The most significant factor in this case proved to be the existing bargaining relationship between the central management and the unions in the HQ

country and the existence of an EWC in the company. However, progress in talks soon became hampered by a decision to shed parts of the company to concentrate solely on the components part of the business, which plunged the company into a period of turmoil. The ITGLWF's approach was to map the company's operations and profile the state of industrial relations via a series of regional workshops attended by the relevant affiliates. In addition, the ITGLWF was given observer status at the full meeting and an input at the preparatory meetings of the company's EWC from 2000 onwards. These meetings predominantly focused on the delivery of the company's rationale for its restructuring strategy, which involved the relocation of bulk manufacture outside Western Europe. While such developments provided argument for the need for an international framework agreement to protect workers in the new manufacturing locations, the trade union and employee representative members of the EWC were understandably initially too preoccupied with job losses in the European operations to provide the weight needed to bring management to the bargaining table. When senior management declared that they were prepared to sit down and talk, the company felt that the ITGLWF itself would require some degree of recognition within the organization. Following an exercise in which the level of union presence and organization was mapped out within the company, a memorandum of understanding – de facto an international recognition agreement – was signed, acknowledging the ITGLWF as the legitimate international trade union organization representing workers throughout *Company A's* operations for the purpose of negotiating a set of global employment standards and a procedure for the resolution of disputes arising from breaches of such standards. When the memorandum was finally signed in 2003, the company had announced that it was the target of a takeover and was to become a private limited company, effectively throwing the negotiations for an IFA into a temporary state of limbo.

Target *Company B*, one of the largest, vertically integrated athletic footwear manufacturers in the world and subcontracted to key merchandisers in the industry, had a chequered history in relation to labour standards and remained the focus of attention of the anti-sweatshop movement. While this company has trade union representation in its Vietnamese, Indonesian and Taiwanese operations, 70% of its production is based in its owned factories within China where current international trade union policy prevents official approaches being made to the All China Federation of Trade Unions, which is not regarded as a free independent trade union by the International Confederation of Free Trade Unions (ICFTU). However, existing monitoring and verification frameworks between the company and its key merchandisers and the vigilance of the ITGLWF and NGOs have yielded some improvements in terms and conditions, particularly in relation to levels of overtime and dormitory accommodation for migrant labour.¹⁹ A major obstacle to the ITGLWF here is its inability to claim legitimacy on behalf of

the workers within *Company B*'s operations, despite having successfully organized a workshop to bring representatives together from Indonesia, Vietnam and Taiwanese operations. Its own affiliate within Indonesia is faced with rival union organizations at the factory, while in Taiwan the independence of the union at the company's headquarters is somewhat compromised by the presence of managers as senior representatives. The absence of ITGLWF affiliation from the All China Federation of Trade Unions (ACFTU) (China) and the Vietnamese General Confederation of Labour (VGCL) (Vietnam) further exacerbates the legitimacy issue.

Significantly, the fact that this supplier is subject to the requirements of the codes of conduct of at least six big named merchandisers already suggests that there is a logic for a rationalization of regulatory frameworks which govern its manufacturing operations. In this context, a multi-company IFA governing a single supplier may look a potentially attractive option, although the supplier has succeeded in maintaining a fragmented set of commercial relationships by maintaining discreet profit centres/production lines with each merchandiser client, and had begun to develop its own set of standards. At the time of writing the ITGLWF was considering making an approach via the World Federation of Sporting Goods Industries – an umbrella organization to which all the major clients of *Company B* are members.

At the Strategic Approaches Committee in the Spring of 2000, the Africa regional representatives of the ITGLWF recommended the inclusion of a German multinational on the list of targets because of the problems this company was causing to trade unions in South Africa and Zimbabwe. *Company C* is an investment oriented textiles group specializing in engineered and classical textiles as well as footwear and has operations straddling Western and Eastern Europe, South Africa/Zimbabwe, and to a lesser extent in North America and China.

Preliminary research revealed that *Company C* was relatively well organized in its main centres of production and a decision was taken to organize an international workshop to share information and establish an international coordinating structure. At the first meeting held in South Africa in October 2001, the German owner of the company took up the offer of an invitation to attend and seized the opportunity to announce that under no circumstances would any overarching guidelines be drawn up to govern the companies within his international group, which he preferred to see run in a decentralized manner. At this meeting a coordinating committee with trade union representatives from Germany, South Africa, the Czech Republic and Zimbabwe was set up. At the second meeting, held on German soil in March 2002, and heavily attended by works councillors and union representatives from the company's German operations, a decision was taken to pursue an international workplace petition campaign in favour of an IFA framework agreement (with normative focus on OECD Guidelines governing pro-

cedures in the event of termination of employment).²⁰ At the request of the German works councillors, this was to be accompanied by an information leaflet to be distributed to German workers on the need for an IFA within the company. The owner suddenly found himself facing potential pressure on both the international and domestic industrial relations fronts since the German affiliate of the ITGLWF had filed a legal complaint with the labour court to force *Company C* to comply with the provisions of the 1976 Codetermination Act and establish a supervisory board with worker and trade union representation at its group level. Significantly, the legal process forced the owner to reveal the extent of his holdings, which had been for both the affiliates in South Africa and Germany something of a moveable feast. In October 2002, at a meeting to launch the information leaflet in Germany, some union officers of the German affiliate objected to the content of the material, claiming that it was too critical of the company and that members in their plants would not sign the petition. A decision was taken to reprint the leaflet, but before this could be done, a copy of the original nevertheless found its way into the hands of the owner of the company, who in November 2002 demanded a meeting with a senior member of the German union's executive. Although this meeting dealt with a number of items, the owner was highly critical of the ITGLWF's activities and insisted that the leaflet should not be distributed in his German factories. The affiliate union seized on this opportunity to extract a commitment from the owner to negotiate an international framework agreement in return for a stand down in the leafleting action. The basis for the negotiation was not, however, the draft international framework agreement of the ITGLWF²¹ but the Triumph International Code of Conduct.²² (In December 2001, following sustained trade union, NGO and consumer pressure, Triumph International, the Swiss headquartered lingerie multinational, had finally taken the decision to close down its factory in Myanmar [Burma] because its reputation had become tarnished by the dogged refusal of the military regime to make any concessions in relation to the core ILO conventions, particularly in respect of freedom of association and forced labour.²³ The EWC of Triumph International and the German affiliate of the ITGLWF had sustained the pressure on the company and succeeded in negotiating a code of conduct.) In December 2002, the owner submitted a draft proposal for an IFA to the German affiliate. On consultation with the ITGLWF it transpired that in a number of respects the draft was problematic. First, the parties to the agreement were to be the owner in his individual capacity and the German affiliate. This would have rendered the agreement neither international nor an instrument of corporate social responsibility. Second, in relation to the schedule of standards, a more comprehensive list of norms had been drawn up in successive meetings of the coordinating committee within *Company C*. Third, the implementation procedure suggested by the owner was very weak and took the form that he

would endeavour to persuade the managers of his undertakings to adopt the terms of the agreement. Because of these important matters of principle, the ITGLWF convened a meeting of the coordinating committee in February 2003, which drew up a more robust counterproposal, in which the ITGLWF, supported by the German affiliate, and the *company group* were to be the signatories. This was then forwarded to the owner on behalf of the ITGLWF by the German affiliate. In March/April as the date for the labour court case approached concerning the union's claim under national Codetermination legislation, the owner was minded by the Labour Court judge to settle the matter out of court and conceded on the matter of the union's claim. As a result of this he withdrew from talks on an IFA. However the German affiliate informed the company that the matter would be tabled as an agenda item at the earliest possible opportunity once the inaugural meeting of the new supervisory board (with worker and trade union representation), scheduled for late 2003 had taken place.

Company D, a major global apparel multinational, presented the ITGLWF with a considerable research and organizing task from the outset. Headquartered in the USA, this company had only limited trade union presence in some of its acquired operations and was increasingly outsourcing its production to Central America in the case of the US market, and Central and Eastern Europe in terms of the jeans-wear segment of its European Division. *Company D* had, nevertheless, been forced under the terms of the EWC Directive, to establish a European forum for information and consultation. However, restructuring within Europe had effectively rendered the EWC into a rump body and its factories in Turkey and Poland remained unorganized. It became apparent to the ITGLWF that the US affiliate union had shifted its campaigning priorities to other companies. Moreover, *Company D* had signed up to World Responsible Apparel Production factory certification scheme (cf. Maquila Solidarity Network, 2001), which, it was felt, would be held up as an alternative to any need for a dialogue with the ITGLWF on employment standards. Consequently a decision was taken to give this multinational low priority as a target.

Company E, a European headquartered MNC specializing in engineered and exotic textiles, had not been originally targeted by the ITGLWF, but when a 'cold' approach was brokered by the ITGLWF affiliate in the headquarters country, a meeting was set up with the senior human resource manager. This company had a clear commitment to social dialogue and was engaged in several EU initiatives involving EURATEX (European Employers Association for Clothing and Textiles) and the European regional organization of the ITGLWF. Following an initial exploratory meeting, the company was sent a draft IFA to determine whether there was any interest in principle in further talks. After a lengthy period of deliberation during which it became apparent that the company had taken advice from EURATEX, the company declined to proceed with any further talks, insisting that the

existing 'Charta' on employment standards negotiated in 1997 between the regional organization of the ITGLWF and EURATEX was a sufficient instrument to deal with breaches of fundamental workers' rights in the company's supply chain. Significantly the so-called Euratex Charter only covers the four core ILO conventions on child labour, forced labour, discrimination and freedom of association and collective bargaining and contains no implementation procedure.

During 2001 *Company F*, a European headquartered sportswear merchandiser, not originally included in the list of targets, indicated a willingness to enter into dialogue with the ITGLWF about training on freedom of association and collective bargaining since it had been experiencing some problems both with employers and trade unions along its supply chains. In the ensuing discussions the opportunity was taken by the ITGLWF to broach the issue of a framework agreement. While the management representatives of *Company F* gave the draft agreement some serious consideration, there was resistance to the concept on a number of grounds. First, the company already had its own set of standards and did not wish to subject its suppliers to any new schedule. Similarly, because the company had its own schedule of standards and was already a member of a multi-stakeholder initiative, it was not prepared to confuse its suppliers by promoting other verification systems for the foreseeable future. Furthermore, *Company F* also expected that such an agreement should contain an obligation on the part of the ITGLWF to guarantee good governance of its affiliates, a point of principle, which the ITGLWF would never be in a position to accede, since union democracy is the sovereign concern of each affiliate organization.

Discussion and Conclusions

Even where multinationals express an interest in dialogue with the ITGLWF on the issue of global employment standards, it is, as one might expect, with cautious and guarded interest. Because ITGLWF policy seeks to regulate corporate social responsibility by reaching beyond the owned locations of a multinational and deep into that company's subcontracting chain to cover suppliers, subcontractors, licensees and franchise holders – upstream component and fabric manufacturers/suppliers which own and control their manufacturing operations (*Companies A, C and E*) – were critical of those provisions in the draft agreement which appeared excessive in scope, preferring any agreement to be restricted to the owned operations of the company. Downstream merchandiser/retailer multinationals, e.g. *Companies D and F*, which outsource their supply operations, will require a type of agreement which is far reaching, covering subcontractors, suppliers, licensees and franchise holders, and home workers. However, these are companies which have been already forced by public, labour and NGO

pressure to unilaterally address the issue of corporate social responsibility and therefore already operate alternative systems for managing CSR. In the case of companies which have a fully integrated operation and offer a 'one stop' shop to merchandisers, as in the case of *Company B*, multi-employer negotiations involving *B*'s clients may have to be conducted. The conclusion that can be drawn from this is that different types of framework agreement in terms of *level* and *scope* are going to be necessary in a sector where different types of multinationals clearly operate along the supply chain.

In terms of an emerging ITGLWF strategy regarding the negotiation of IFAs, experience has provided two, not unsurprising, insights. First, the process of targeting has highlighted an ill-preparedness on the part of the ITGLWF's affiliates in a number of cases. Since targeting involves profiling, awareness raising, union network building and negotiation, in certain selected targets no progress could be made. First, mapping or profiling the supply chain or owned operations of a particular multinational and the experiences of workers within such structures require a multilevel research effort. However, many affiliate unions of the ITGLWF have no dedicated research capacity of their own and/or in some cases are factory unions with little resource to gather information beyond the confines of the company which has recognized them – a norm in a number of Central American countries. Second, attempts to achieve workplace representation at certain regional multinational workshops can founder on the principle of sovereignty of nomination on the part of affiliates as in the case of *Company A* and suspected intimidation of German works councillors as in the case of the first international trade union meeting within *Company C*. In some cases there were large gaps in organization in some regions, or indeed lack of a presence in the headquarters company as in the case of *Companies B* and *D*. Third, attempts to network electronically can fail due to the absence of on-line computers with a constant supply of electricity in some countries and generally to a lack of commitment on the part of coordinators to report in news or pass on information. Finally, the process of engaging in dialogue has necessitated a flexible approach on the part of the ITGLWF but certain critical factors must prevail before resources can be committed to the process. *Company D* demonstrated that in order for global organizing efforts to be effective, it is critical to have a union affiliate presence and an existing social dialogue in the headquarters country. These factors are crucial in the progress made in the case of *Company A* and *Company C* and in the maintenance of constructive dialogue with *Company F*. Furthermore, if the multinational has been under the consumer spotlight because of brand sensitivity, then it is likely that there will be greater readiness to engage in some sort of dialogue about CSR with the ITGLWF. If a company is not downstream, i.e. nearer to the consumer, then there is less pressure on the need for dialogue.

Where companies have rejected the notion of an IFA, as in the case of

Companies E and *F*, this has been either on the grounds of outright resistance to global interference in the running of an MNC or because of the existence of alternative CSR instruments. Significantly, neither *E* nor *F* could be described as particularly anti union.

Where the employer stance proves to be problematic, then coordinated campaigns will be necessary to bring the employer to the bargaining table. Although currently stalled, the IFA negotiations at *Company C* (where the owner had originally flatly refused to enter into such an agreement) were activated by pressure generated by a threatened workplace leafleting campaign. Corporate campaigning was crucial in extracting a negotiated code of conduct from Triumph International. In a similar vein, corporate research conducted in Southern Africa has proved invaluable in assisting the Lesotho affiliate of the ITGLWF to achieve a breakthrough in the struggle for trade union recognition from Asian multinationals exploiting the US Africa Growth and Opportunity Act in the Maseru EPZ. By identifying the US merchandisers and retailers sourcing from these multinationals on the ground research carried out in Lesotho in cooperation with the regional ITGLWF,²⁴ the Lesotho Clothing and Allied Workers Union (LECAWU) was able to take its claims directly to those prime contractors with codes of conduct which mention freedom of association, most notably the GAP, and demand that they put pressure on their suppliers in the Lesotho EPZ (Phillips and Xaba, 2002; Maquila Solidarity Network, 2002a, b, c). Of the 26 members of the Lesotho Textile Exporters' Association, one third have conceded varying degrees of union recognition to LECAWU. It must be remembered, however, that gains have only been made by hard struggle on the ground.²⁵ In Kenya, widespread unofficial stoppages in textile, clothing and footwear suppliers for the US and EU markets in the EPZs in Nairobi and Mombasa early in 2003 have led to mass organizing drives and the first collective bargaining agreement for the entire Athi River EPZ.

Although this article has attempted to account for the protracted nature of the process of establishing a framework for social policy in the global textiles, clothing and footwear sector in terms of the complex nature of the supply chain, the likelihood of success is equally contingent on the ability of ITGLWF affiliate organizations to engage fully in such an internationalist process.

This serves as a reminder that while trade union specific efforts to create global social policy instruments cannot succeed without a critical element of centrally coordinated research and networking, such activity in turn has to link into locally generated organizing initiatives, which in turn can only be sustained when and where workers are both able and willing to collectively address injustice at their place of work.

APPENDIX I *Global framework agreements*

<i>Company</i>	<i>Type of framework agreement</i>	<i>Date of signing</i>	<i>Home country</i>	<i>Branch</i>	<i>Employee-side parties</i>
Accor	Agreement on trade union rights	June 1995	France	Hotel/accommodation	IUF
Anglo Gold	Agreement on the Promotion and Implementation of Good Human and Industrial Relations	September 2002	South Africa	Mining	ICEM and the National Union of Mineworkers (NUM)
Ballast Nedam	Agreement on employee's rights	March 2002	Netherlands	Construction	IFBWW and national unions (FNV Bouw)
Carrefour	Agreement	May 2001	France	Retail	UNI
Chiquita	Agreement	June 2001	USA	Agriculture	IUF/COLSIBA
DaimlerChrysler	Agreement on Social responsibility Principles	September 2002	Germany	Auto industry	IMF
Danone	Various joint texts	1988/1997	France	Food processing	IUF
Endesa	Protocol to institutionalize global dialogue	January 2002	Spain	Power industry	ICEM and national unions CCOO and UGT
Faber-Castell	Agreement on code of conduct	March 2000	Germany	Office material	IFBWW and national unions IG Metall
Fonterra	Agreement on minimum labour standards and changes in business activities	April 2002	New Zealand	Dairy industry	IUF and national union New Zealand Dairy Workers Union (NZDWU)
Freudenburg	Agreement on cooperation, responsibility and social dialogue	July 2000, revised 2002	Germany	Chemical industry	ICEM and national union IG BCE

<i>Company</i>	<i>Type of framework agreement</i>	<i>Date of signing</i>	<i>Home country</i>	<i>Branch</i>	<i>Employee-side parties</i>
Hochtief	Code of conduct	March 2000	Germany	Construction	IFBWW, national union (IG-BAU) and national works council
IKEA	Agreement	May 1998, revised December 2001	Sweden	Furniture/inventory	IFBWW
Merloni	Agreement	December 2001	Italy	Metal industry	IMF
Norske Skog	Agreement	2002	Norway	Paper	ICEM and national union (Fellesforbundet)
OTE	Agreement	May 2001	Greece	Telecommunications	UNI and national union (OME-OTE)
Skanska	Agreement	February 2001	Sweden	Construction	IFBWW
Statoil	Agreement	July 1998, March 2001	Norway	Energy/oil and gas	ICEM and national union (NOPEF)
Telefonica	Social Protocol on International Agreements and Agreement on code of conduct	April 2000 and March 2001	Spain	Telecommunications	UNI and national union UGT
Volkswagen	Declaration of intent on common statement on social standards and cooperation	September 2001	Germany	Auto industry	IMF and global works council

Source: Torres and Gunnes, 2002.

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NOTES

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3. ILO Convention 98: Right to Organise and Collective Bargaining.
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5. <http://www.just-style.com> 21.6.2002
6. Fair Labour Association (2003), Just Style.com (2002), Payne (2002).
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11. N. Tait (2001) 'WRAP up Ethical Sourcing', <http://www.Just-Style.com>
12. <http://nike.jp/nikebiz/global/pdf/coc/English.pdf>
13. <http://www.theglobalalliance.org/main.cfm>
14. The Fair Wear Foundation, Ethical Trading Initiative, SA 8000, Fair Labour Association, Clean Clothes Campaign and Workers Rights Consortium have undertaken to examine ways of avoiding duplication in their activities cf. ETI Update July 2003.
15. General Secretary's Activity Report to the World Congress of the ITGLWF, Norrköping, Sweden June 2000 (pp. 149–209). Brussels: ITGLWF.
16. The ITGLWF is represented on the board of SA 8000 and the ETI.
17. <http://www.cepaa.org/Training%20and%20Programs/Programs.htm>
18. http://www.sweatshopwatch.org/swatch/headlines/2001/chentexvic_apr01.html
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22. <http://www.itglwf.org/doc/TriumphENword.doc>
23. 'Triumph Accused of Double-Speak over Refusal to Quit Burma', 9/3/2001 ITGLWF Press Release <http://www.itglwf.org/displaydocument.asp?DocType=Press&Index=100&Language=EN>
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RÉSUMÉ

La Route est Longue: Négociant des Accords-cadres Internationaux dans le Secteur Global du Textile, de l'Habillement et de la Chaussure

Cet article expose la politique et la pratique de la Fédération Internationale des Travailleurs du Textile, de l'Habillement et du Cuir (FITTHC) quant aux entreprises multinationales dans le secteur. Bien que la politique multinationale de la FITTHC concorde avec d'autres fédérations syndicales mondiales, l'article conclut que la négociation d'accords-cadres internationaux s'avère un but bien plus difficile à réaliser. Cela s'explique partiellement par la position anti-syndicale de la part de plusieurs entreprises multinationales, par une surabondance d'initiatives bénévoles actuelles, ainsi que par la possibilité d'une résistance collective des employeurs face à un tel développement.

RESUMEN

Preparándose para un Camino Largo y Difícil: Negociando Acuerdos Marco Internacionales en el Sector Global del Textil, Vestuario y Calzado

Este artículo expone la política y la práctica de la Federación Internacional de Trabajadores del Textil, Vestuario y Cuero (FITTVTC) con relación a las compañías multinationales en el sector. El artículo llega a la conclusión de que aunque la política

multinacional de la FITTVC sigue la línea de la política de otras federaciones sindicales mundiales, la negociación de acuerdos marco internacionales resulta ser un objetivo mucho más difícil a llevar a cabo. Esto se explica en parte por la posición anti-sindical por parte de algunas compañías multinacionales, por una plétora de iniciativas voluntarias actuales, y por la posibilidad de una resistencia colectiva de los empleadores a un tal acontecimiento.

BIOGRAPHICAL NOTE

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