

STANDARDS AT THE WORKPLACE: TRADE UNIONS' INVOLVEMENT IN THE EUROPEAN STANDARDISATION BODIES

Christophe Hauert
Ph.D Student
Institut d'études politiques et internationales (Iepi)
Université de Lausanne (UNIL)
CH-1015 Lausanne
Mail: christophe.hauert@unil.ch

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Abstract: This paper explores the political implications of the growing influence of standards on society by studying the role of trade unions in the setting of the technical specifications governing globalisation. Standardisation is part of the infrastructure of globalisation providing cross-border non-governmental coordination mechanisms that formally respect state sovereignty. Since the adoption of the New Approach in 1985, standards developed by the European standardisation bodies (ESBs) have been important tools for creating an internal market. The impacts of “voluntary” standards on the health and safety of workers (e.g., standards for protective equipment, machine safety, ergonomics) and on the organisation of labour (e.g., management system standards) call for a preliminary investigation of the trade unions’ role in the definition of technical standards. The growing influence of private labour regulations has reinforced the need to address the enduring question about their impact on traditional state-based labour regulations. Do they undermine these regulations or sustain them? As the literature on private authority suggests, private-based regulations do not exist in an institutional vacuum; this situation points to the need for an analysis of the relationship among state agencies, corporations, and civil society actors within those private arrangements. Through interviews with European and national trade unions as well as documentation review, this paper will first assess trade unions’ involvement within ESBs and then evaluate whether their involvement is an alternative or a supplement to traditional state regulation. Our results suggest a more fine-tuned analysis of the interplay between private and state-based regulations.

INTRODUCTION

This paper explores the political implications of the growing influence of international standards on society by studying the role of trade unions in the setting of the technical specifications governing globalisation. The entry into force of the World Trade Organisation (WTO) in 1995 gave international standards a major role in harmonising the technical specifications of goods and services traded on the global markets. International standards refer here to voluntary technical specifications explicitly documented and published as tools used in the organisation of production and exchange of goods and services. Although not explicitly aimed at regulating labour, international standards impact the organisation of production within and across firms, thereby affecting workers. As the increased usage of standards affects a wide range of issues, such as environmental management, psychological tests, measures of the quality of medical services, and nanotechnologies, the quantitative and qualitative expansion of international standardisation has reinforced enduring questions related to their legitimacy and impact on society as a whole (Boström, 2006; Graz and Nölke, 2008; Hallström, 2004; Hauert, 2010; Ruwet, 2009; Werle and Iversen, 2006).

Studies on labour regulation never fail to underline the expansion of voluntary initiatives regulating labour across sectors and areas (Block, et al., 2001; Elliott and Freeman, 2003; Haufler, 2001; Lipschutz, 2004; O'Rourke, 2003; Tallontire, 2007). A distinct feature of these initiatives is their reliance on voluntary rather than mandatory compliance, on incentives rather than sanctions, and on private rather than public actors for their definition, implementation, and monitoring (Hassel, 2008). The relationships between private labour standards and traditional regulations have been controversial. Some argue that private initiatives can complement traditional state-based regulations or present an alternative in the case of regulatory deadlocks. Increased pressure from consumer activists and the related reputational risks for brands would sustain the adoption of standards that can—“under certain conditions”—improve labour regulations (Locke, et al., 2007; O'Rourke, 2003). Others view private labour standards as undermining traditional state regulations (C. de Gramont and Lara Flores, 2010; Lipschutz, 2004), suggesting that they do not address fundamental power asymmetries between work and capital and tend to reduce trade unions to mere interest groups, among other issues.

Although such studies draw attention to particular brands, industry sectors, or standards explicitly aimed at regulating labour, they largely ignore the impact of technical specifications on workers. They also often overemphasise the private and voluntary nature of private standards. Links with public authorities always appear at some point (Dudouet, et al., 2006). In fact, it is difficult to make any a priori assumption about the degree to which the adoption of standards is voluntary. Ultimately, these studies have adopted a generally dichotomised view of state and market and, as such, fail to analyse more specifically the connection between the freedom of private actors to set technical specifications within a market economy and the political environment of the institutional framework required to ensure some order to these practices on a transnational basis (Cutler, et al., 1999; Graz and Nölke, 2008).

By relying on global political economy approaches that try to uncover the power relations underpinning such a connection, this paper extends into the area of international standards the assumption that the process of globalisation is not opposing states and markets, but a joint expression of both of them including new patterns and agents of structural change through formal and informal power and regulatory practices. Understanding how trade unions affect and are affected by the development of international standards indicates the need to bring three distinct categories—actors defining the standards, concerned objects, and the space of their deployment—more systematically together (Graz 2006). This paper argues that international standards reflect the significant development of a form of transnational hybrid

authority that blurs the distinction between private and public actors, whose scope spreads from physical measures through societal values, thereby reinforcing the deterritorialisation of regulatory practices in contemporary capitalism. Moreover, this paper provides evidence to support this argument by analysing the involvement of trade unions in European standardisation bodies¹. Our findings suggest that the dilemma of trade unions' involvement between legitimising the privatisation of labour standards and fostering progressive labour regulations is closely related to the object of standardisation. The data presented in this paper are drawn from interviews with trade union representatives active in the field of standardisation as well as printed and Internet materials published by the institutions to which the interviewees belong and by specialised press.

The first section of the paper emphasises the relevance of the case of standards and trade unions' involvement. The second section reviews the literature on private labour standards. The third section presents our theoretical framework. The fourth section presents and discusses our findings on the involvement of European trade unions in standardisation. We conclude the paper with the limitations and future research questions raised by the analysis.

WHY (LABOUR) STANDARDS MATTER

Standardisation is part of the infrastructure of globalisation providing cross-border non-governmental coordination mechanisms. The establishment of the World Trade Organisation's (WTO) Technical Barriers to Trade (TBT) Agreement and the revision of the Sanitary and Phytosanitary Measures (SPS) Agreement in 1995 as well as the plurilateral Agreement on Government Procurement (GPA) established a formal devolution of power to international standard-setting organisations. Unlike the loose provisions relating to the technical regulations of the old GATT, the TBT and SPS agreements—like some provisions of the General Agreement on Trade and Services (GATS) and GPA—give international standards a major role in harmonising the technical specifications of goods and services traded on the global market. State regulations in this domain must comply with “legitimate objectives”. With regard to goods, such concerns are related to health, safety, and environmental issues. Thus, the goal of removing “unnecessary” barriers to trade should be pursued insofar as possible by substituting international standards for domestic standards.

Developments also clearly take place at the regional level, especially in Europe as the European Union is in the forefront of international standardisation. In 1985, Council Resolution 85/C 136/01 on a ‘new approach’ to technical harmonisation and standardisation instigated a completely new regulatory technique and strategy in response to the growing role of the European Court of Justice in solving conflicting regulatory policies in the internal European market. This also served as an early move toward the establishment of a single market by devising procedures to avoid turning technical specifications into a structural impediment to trade. Although member states were wary about seeing regulations in this domain transferred to the European authorities, they did perceive the threat of a race to the bottom in public purpose standards as integration progressed. The new approach provides a framework for the harmonisation of EU public law only for the general and essential requirements of goods and services traded on the European market, particularly in the fields of health, environment, safety, and consumer protection. Depending on the sectors affected, technical specifications, performance criteria, and quality requirements are either based on mutual recognition of national standards or delegated to European standard-setting bodies. In

¹ The three European standardisation bodies are the Comité Européen de Normalisation (CEN), the Comité Européen de Normalisation Electrotechnique (CENELEC), and the European Telecommunications Standards Institute (ETSI).

most sectors, the procedure for monitoring standards is a matter of business self-regulation as products put on the market are granted a presumption of conformity through the sole declaration of the manufacturer (CE marking). Thus, not only has the European new approach strengthened the importance of voluntary standards in the single market, but by avoiding costly third-party testing and certification and providing the procedural means for the simultaneous adoption of European standards as international ones (through the Dresden and Vienna Agreements), the EU has also won over third-party countries to its standardisation system. The (largely unintended) outcome has been a powerful strategic positioning of European standards in the global market (Egan, 2001).

The growing influence of European and international standards also affect labour. The emergence of the new approach and its application to the machinery sector led to the European Trade Union Confederation's (ETUC) creation of the European Trade Union Technical Bureau for Health and Safety in 1989², whose aim is to support "trade union representatives working in the field of health and safety at the workplace, and in particular those involved in the work of technical harmonization at community level and in European standardization bodies".³ International standards clearly impact occupational health and safety (OHS) and thus call for a greater involvement of workers' representatives. The "hidden lives of standards" in the organisation of production also deeply affect workers: "...standards themselves are a means of capturing labour—whether physical techniques or 'knowledge' work—and they provide a medium for redistributing the responsibility for this work among groups of workers, between industry sector, or between producers and consumers" (Slaton and Abbate, 2001, p. 96). For example, the standardisation of building materials, which were previously fabricated individually and on the building site, reduced the need for skilled workers on construction sites and led to a redistribution of technical expertise among building material manufacturers and construction workers. Thus, the direct and "hidden" impacts of standards imply that international standards are also labour standards.

LITERATURE

Standards are an object of enquiry closely related to globalisation studies highlighting new patterns and agents of change beyond state and market power. The expansion of "self-regulation" (Haufler, 2001), "soft regulation" (Tsogas, 2009), "outsourced regulation" (O'Rourke, 2003), "codes" (Barrientos and Smith, 2007; Koçer and Fransen, 2009; Rodriguez-Garavito, 2005) and "standards" (Giovannucci and Ponte, 2005; Locke, et al., 2007) in regard to labour has attracted considerable attention over the last decade. All these studies underline the perils and potentials associated with the rise of non-state actors in the regulation of labour, yet they disagree on whether private labour standards will empower workers and supplement established public regulation or lead to the privatisation of labour regulation. A mid-range view of the emancipatory ability of private labour standards is offered through an analysis of their impact on the distinct but related themes of enabling and protective rights.

Proponents argue that private labour standards have the possibility to be an effective means for addressing poor working conditions (Hassel, 2008; Haufler, 2001; Locke, et al., 2007; O'Rourke, 2003, 2006). Yet traditional labour regulations are ill suited to fulfil such tasks in a global production era. While formally respecting state sovereignty, private and voluntary labour standards can supplement national legislation, collective bargaining, and international organisations, such as the International Labor Organization (ILO). They are valuable in providing an alternative means in front of a repressive government or in case of

² The Health and Safety Department of the European Trade Union Institute (ETUI) since 2005.

³ See http://hesa.etui-rehs.org/uk/dossiers/dossier.asp?dos_pk=19 (accessed on 10.08.2010).

governmental regulatory deadlocks (Hassel, 2008). Consumers' and NGOs' pressure on brands regarding poor working conditions along the supply chain can lead brand firms to adopt private labour standards. The question of their effectiveness thus becomes central. Through a comparative assessment of several private labour standards⁴, O'Rourke identified specific conditions governing their effectiveness (2003, 2006), including 'legitimacy' through balanced representation of all stakeholders, 'rigor' with regard to monitoring technique and ILO conventions, 'accountability' and 'complementarity' to state regulations. Indeed, studying Nike's code of conduct, Locke et al. (2007) suggested that code efficiency is also affected by country and factory characteristics and by the kind of relationship between brands and particular suppliers. Proponents are inclined to observe a convergence of private labour standards around the ILO's core labour standards⁵, which in turn sustain the idea that private labour standards represent building blocks that sustain traditional labour regulations.

The distinction between enabling rights and protective rights, or process rights and technical standards, points to the question of workers' empowerment and thus places power asymmetries at the centre of the analysis (Barrientos and Smith, 2007; Koçer and Fransen, 2009; Rodriguez-Garavito, 2005). Enabling rights relate to the ILO's previously mentioned core labour standards whereas protective or technical standards relate—among others—to minimum wages, working hours, and health and safety conditions. This distinction is significant as "(...) sustainable improvements in protective rights in global factories crucially depend on the promotion of enabling rights" (Rodriguez-Garavito, 2005, p. 206). Here, the impact of private labour standards is thematically specific. Private labour standards can supplement traditional labour regulations in the area of protective rights, but they "cannot challenge the basic power distribution created by national law" (Koçer and Fransen, 2009, p. 254). Assessing the impact of the ETI, Barrientos and Smith provided further evidence of this thematic specificity, which "reflect[s] a deeper disjuncture between a compliance approach to codes that focuses on technical outcome standards and a process approach that focuses on the empowerment of workers to claim their rights" (2007, p. 727). The former approach is emblematic of corporate views while the latter represents views of the civil society. This disjuncture underscores that the presence of countervailing power (rather than stakeholders) is crucial in the standard-setting process.

Opponents have also focused the analysis on power asymmetries, viewing workers as a crucial countervailing power (C. de Gramont and Lara Flores, 2010; Diceanu and O'Brien, 2007; Lipschutz, 2004). However, they primarily see private labour regulations as a case of "selective regulation" defined as "a system of interstate regulation which entails elaborate mechanisms and enforcement procedure for corporate rights and weak or non-existent mechanisms for social rights" (Diceanu and O'Brien, 2007, p. 45). This results in the situation that private labour standards, "if successful on their own, only serve to entrench the arrangements that first gave rise to the conditions they are intended to remedy" (Lipschutz, 2004, p. 198). Thus, Lipschutz argued that "the basis for effective labour law lies *within* the states and activism must focus on improving legal, political, and social conditions for workers in the host countries rather than on trying to affect corporate behaviour chiefly through consumer pressure" (2004, p. 198). The Mexican horticulture case provides evidence of the contradiction between consumers' demand from abroad and local workers' well-being (C. de Gramont and Lara Flores, 2010). Technological changes introduced to maintain access to the US market requiring compliance with stricter food safety standards, ultimately led to job precarisation as well as increased unhealthy working conditions for Mexican workers. In

⁴ Among others, Social Accountability International (SAI), Fair Labor Association (FLA), Ethical Trade Initiative (ETI), and Worker Rights Consortium (WRC)

⁵ These are: Freedom of association and right to collective bargaining, nonuse of child labor as well as forced labor, non-discrimination.

summary, opponents denounce the reliance on market mechanisms for empowering workers while participation in such arrangements entails numerous perils, such as legitimising the privatisation of labour regulations and reducing workers' voice to a mere interest group among NGOs and consumer organisations.

Although existing studies have drawn attention to particular brands, industry sectors, and standards aimed at regulating labour, they have largely ignored the impact of the technical specifications developed within the International Organization for Standardization (ISO)⁶ and the European standard-setting bodies. They have also often underestimated the involvement of public authorities in international standardisation and overemphasised the voluntary nature of private labour standards. Links to public authorities always emerge at some point (Dudouet, et al., 2006), such as through the direct involvement of public authorities in the standardisation process or by referencing standards in regulations and public procurement policies. Moreover, the market sanction for non-compliance with voluntary standards (i.e., non-market access) can be far higher than the sanctions imposed by state legislation for non-compliance with mandatory standards. Therefore, it is difficult to make any a priori assumptions about the degree to which the adoption of private standards is voluntary. Finally, these studies have generally adopted a dichotomised view of the state and market and thus fail to analyse more specifically the connection between the freedom of private actors to set technical specifications within a market economy and the political environment of the institutional framework required to ensure some order to these practices on a transnational basis (Cutler, et al., 1999; Graz and Nölke, 2008).

More generally, as some political scientists and legal scholars have pointed out, the analysis of standardisation requires moving beyond the dichotomies underpinning such conceptual framework: "Standards hover between state and the market; standards largely collapse the distinction between legal and social norms; standards are very rarely either wholly public or wholly private, and can be both intensely local and irreducibly global. (...) standards can be seen as links between these spheres and institutions." (Schepel, 2005, p. 4). The distinct practices of standardisation calls to mind the *nébuleuse* that Cox portrayed in the mixture of official and unofficial transnational and international networks, with representatives of business, the state, and academia working toward the formulation of a consensual policy for global capitalism (Cox, 1992). Such structural power of standardisation epitomises one among other new forms of non-state authority evolving during the past decade in the global political economy. The scope of international standards not only pertains to their potential worldwide reach, but also to the whole range of conflicts emanating from the capitalist system (Murphy, 1994). Assessments of the relationship between standard-setting agencies and society as a whole are therefore bound to be controversial. Thus, the rise of international standardisation as a privileged form of devising technical specifications typically encroaches upon two core issues that lead to the crystallisation of social struggles in capitalism: the opposition between labour and capital on the one hand and the separation of the economy from the state as a necessary precondition for the reproduction of capitalism on the other hand. Standards intervene in the struggle between capital and labour. Workers may look to standards to ensure a safer workplace (e.g., standards on machine safety or maximum noise pollution) or obtain quality guarantees on the wage goods they purchase. In contrast, entrepreneurs, merchants, and financiers will equate standards with risk reduction, technological progress, strategic competitive behaviour, and profit. Regarding the separation between the economy and the state, the voluntary market-oriented dimension of standards may reinforce free market claims to keep economic constraints and appropriation separate from politico-legal coercion. However, the authority conferred to standard-setters by state

⁶ To date, the International Organisation for Standardization has issued more than 18,000 standards. See http://www.iso.org/iso/about/iso_in_figures/iso_in_figures_2.htm (accessed on 10.08.2010).

agencies may simultaneously narrow the conventional Weberian view of state autonomy. This prompts us to elaborate further on how the rise of standards reflects the rise of non-state authority in the global political economy.

THE HYBRID AUTHORITY OF STANDARDS

Non-state actors lead to new forms of power and authority in international relations. The literature on the rise of non-state actors, private authority, and less conventional forms of sovereignty and governance has mushroomed over the last decade. A shared assumption of this scholarship—regardless of its theoretical position—is that at least two conditions must be met for such new forms of authority to be effective: the consent of actors subject to the rules without having been involved in their making and an explicit or implicit recognition by the state (Cutler, et al., 1999; Djelic and Sahlin-Andersson, 2006; Graz and Nölke, 2008; Hall and Bierstecker, 2002). As such, a critical source of non-state authority in the global political economy is what Sassen (2003; 2006) calls “denationalisation” (i.e., the process that contributes to the endogeneisation of private and transnational agendas within the political public sphere). Governments and intergovernmental institutions often support and fully recognise the power of non-state actors, who in turn may gain legitimate authority. The territorial basis of politics, the state, and the structural power of governments and markets still exists beyond various forms of transnational private governance, highlighting serious obstacles to issues of substance and procedures. Standards are likely to generate insights into the analytical foundations of such new forms of transnational authority. Thus, a more detailed understanding of the core dimensions as well as the authority of international standards is necessary.

The nature and the implications of the rise of non-state actors as a standard-setting authority shaping the global political economy call for aggregating three distinct categories: the actors (i.e., who has the authority to set standards), the objects (i.e., what is standardised), and the space (i.e., places from which standards are developed and implemented). Yet these three categories at best only capture certain aspects of a complex and multifaceted process evolving extremely rapidly. Nonetheless, they point to the significance of new forms of power in our societies, drawing upon previous attempts to conceptualise the rise of global hybrids as “a form of authority that blurs the subjects legitimately involved in it, pertains to objects undermining the distinction between science and society, and pursues a fragmentation of the space where the endogenous logic of territorial sovereignty gives way to an exogenous logic reinforcing the transnational underpinning of capitalism” (Graz, 2006). Accordingly, the authority of standards entails numerous agents who play or claim to play a role not only as new actors, but also on the nature of objects and the spatial structure upon which they exert their power. These three dimensions should be considered in more detail.

The first dimension frames international standardisation according to the actors involved in defining standards and the distinction between the private and public spheres in which they operate. Market mechanisms and policy choices affect the agents involved in the field in various ways, which can be perceived as being located along an institutional continuum defining who can standardise. Technical specifications belong to the private sphere of economic activities governed by market constraints and affect social and technological change from that angle. They nonetheless remain related to the public sphere of political action directed to the general interest of society (e.g., by determining a certain level of risk or by setting principles of liability). Hence, even in the circumscribed field of technical specification, norms relate as much to capital accumulation and technical progress as they do to social improvement or various instruments of the welfare state. When mandatory, enforceable, and general, technical specifications are thus a matter of public law and enjoy the

status of government regulation. Although some environment, health, and safety performances are defined under such procedures, they are often established on a voluntary basis and are more particular in scope. In such cases, technical specifications involve standard-setting bodies, whose private or public statutes vary significantly according to country.

The second dimension shaping international standardisation relates to the objects covered by technical specifications. Whereas the private/public nexus of the actors involved in defining standards can be located on an institutional continuum, this second dimension maps out a material continuum delineating what can be standardised. This dimension aggregates the relation between human beings and nature, as the so-called technical specifications range from natural and invariable physical measures to constructed and historically bound societal values. This dimension also highlights the extension of the scope of international standardisation. If standards were initially confined to “physical” standards like screw threads, they now cover more “societal” topics. Corporate social responsibility (CSR) standards, quality, and environmental management system standards are emblematic in this regard.

The third dimension for situating international standardisation is the extent of the space on which technical specifications can be defined and diffused among sovereign states. In very general terms, this dimension sheds light on the spatial continuum delineating the territorial inscription of international standardisation. It points to the fact that “the transnational-local distinction should be dissolved into locally enacted transnational environment and transnationally constituted local action”(Drahokoupil, et al., 2009, p. 12). In this regard, standardisation occupies the cracks between the principle of exclusiveness of territorial sovereignty and the inclusiveness of rules governing the global economy.

In conclusion, a prominent feature of globalisation is the growing significance of standards in the rise of a worldwide economy. This shift involves new patterns and agents of change through formal and informal regulatory practices of a wide range of non-state actors. Among them, standards are likely to play a crucial role as they reflect an extensive form of hybrid authority whose scope spreads from physical measures to societal values, blurs the distinction between private and public actors, and reinforces the deterritorialisation of regulatory practices in contemporary capitalism. Against this analytical background, the rest of the paper will provide an overview of the involvement of workers’ representatives within the formal European standardisation bodies.

TRADE UNIONS INVOLVEMENT

In Europe, the growing importance of standards for workers has led to the emergence of dedicated bodies that enable the entry of workers’ voices in the standardisation process. One of the main drivers was the adoption of the machinery directive, which requires that “Member States shall ensure that appropriate measures are taken to enable the social partners to have an influence at national level on the process of preparing and monitoring the harmonized standards” (art. 7.4)⁷. These bodies are usually established at the request of trade unions and often in collaboration with public authorities, public accident insurance, and research institutes active in the field of OHS. Most benefit from public funding. Some have a tripartite organisational structure, like the German Commission for Occupational Health and Safety and Standardization (KAN)⁸, while others have equi-representational board representing employees and employers, like Eurogip in France. Although workers are mainly represented

⁷ Directive 2006/42/CE, previously art 5.3, Directive 98/37 CE as well as 89/392/CEE.

⁸ Ulrich Bamberg, Head of the Employees’ Liaison Office, KAN, interview with the author, Bonn, 26 April 2010.

by trade unions and organisations active in the field of OHS, an association set up by the French General Confederation of Labour—the Association for the Information and Defense of Wage Earner Consumer (CGT-Indécosa)—also sits at the board of the national standardisation body.

Despite the creation of dedicated bodies, trade unions' actors are under-represented in the technical committees (TC) responsible for standardisation. The participation in international as well as European standard-setting committee involves participation in the national mirror committee, where national experts are appointed within the national standardisation bodies. Eurogip, CGT-Indécosa, and KAN are involved at the national level, while ETUI is an associated CEN member, meaning it can participate, but without voting rights. As Ulrich Bamberg of KAN emphasised, “Standardization is characterized by a paradox of ‘large minorities.’ The two biggest groups concerned (370 million consumers, including 165 million salaried employees, in the EU) are in the minority on standardization committees... if represented at all” (Bamberg, 2004, p. 13).

All interviewees in the current study highlighted the challenges facing workers' representation. The lack of temporal, financial, and cognitive resources, including English as the universal working language of standardisation, is commonly cited. Christèle Hubert, also underscored human and organisational factors, citing the need for diplomatic skills and the importance of “being passionate, because participation in standardisation is not an easy task.”⁹ Participation in standardisation can be very frustrating, because next to the fact that a trade union representative is usually a minor player on TCs and thus “does not have the satisfaction of having everything he wanted in the standard—he has also no internal recognition as the activity is not displayed as a priority.”¹⁰ As standardisation is not a priority of trade unions, participation often results from individual decisions made by people in a hierarchical position that enables them to do so. Stefano Boy, research officer in standardisation at ETUI, also pointed to the lack of awareness of trade unions regarding technical standards. He regrets that trade unions often see employers as the main target when in fact machine constructors are very important in designing machinery that integrates health and safety concerns¹¹.

Trade unions' involvement highlights the ambiguous relation between traditional labour regulations and international standards. Due to the machinery directive, their participation within TCs related to ergonomics and machinery is viewed as a complement to European public regulations. However, in regard to other topics, the law should also form the basis for standardisation work: “Here is the existing law, what can the standard add to that?”¹² Our interviewees were also aware of the privatisation thread. As the national secretary of Indécosa-CGT stated, standardisation may represent an attempt for a “parallel re-codification of the labour code.”¹³ In his view, “the aim is not to fight standardisation as such, but to fight what could affect the labour codes and mislead the role of standardisation in any other role, that is in replacement to government regulation under the guise of voluntarism.”¹⁴ In fact, our interviewees often pointed to worker representatives' dual tasks—namely, a defensive task and a more offensive one. The former aims to prevent private arrangements from replacing labour laws while the latter aims to promote private arrangements that supplement traditional labour regulations.

⁹ Christèle Hubert, In charge of ‘Standardization’ Actions, Eurogip, interview with the author, Paris, 20 April 2010.

¹⁰ Christèle Hubert, In charge of ‘Standardization’ Actions, Eurogip, interview with the author, Paris, 20 April 2010.

¹¹ Stefano Boy, Research Officer in standardisation, ETUI, interview with the author, Brussels, 23 April 2010.

¹² Arnaud Faucon, National Secretary, CGT-Indécosa, interview with the author, Paris, 20 April 2010.

¹³ Arnaud Faucon, National Secretary, CGT-Indécosa, interview with the author, Paris, 20 April 2010.

¹⁴ Arnaud Faucon, National Secretary, CGT-Indécosa, interview with the author, Paris, 20 April 2010.

Regarding the object of standardisation, trade unions' involvement mainly occurs within TC related to ergonomics and production tools that directly affect workers' health and safety.¹⁵ Interestingly, the societal topics are more likely to generate a defensive approach than physical standards. Participation of countervailing powers is then crucial for defining the relationships between traditional labour regulations and private arrangements. This defensive position was illustrated by the CGT-Indécosa with the case of service standard for call centres. This organization refused the inclusion of "informative annexes" in the standards, which would have contained indications regarding the organisation of work (e.g., maternity leave). Pointing to the OHS management standard, the KAN indicated that it participated in to defeating this initiative within ISO, arguing that the ILO was the competent body for defining such rules. Regarding CSR, another interviewee pointed to the fact that "our leaders are divided on whether or not to participate in the development of a standard with a more political content, and ultimately something diluted. Is it going to be effective and useful? At the level of our hierarchy, it is considered as a big thing... and we risk compromising... because it affects many more topics of organisation..."¹⁶. ETUI also raised questions about CSR: "I know that in some countries, trade unions are involved in the CSR. They try to work on ISO standards and all that, but we have never really investigated this matter because what is the result of standardisation in this area, where are we going? For us, it is also a problem of ignorance, because once an ISO standard on management is published, the problem is that employers take standards as if they were the law, but not only the employers, even sometimes national authorities!"¹⁷. To sum up, it seems that the broader the scope of the standard, the greater the danger that it will encroach upon traditional labour regulations.

The trade unions' involvement also highlights the hybrid spaces in which standardisation takes place. Trade unions have developed several techniques to sustain workers' voices in standardisation. In addition to networking activities and the organisation of seminars, they have also developed the feedback method. In Europe, all interviewees discussed the importance of this method, which is a participatory approach based on the fact that "Between what the organization requires and what is actually done, there is a gap that workers fill in mobilizing all their intelligence to cope with the unexpected. There is a form of creativity in work" (Rey and de Gastines, 2009, p. 19). This results in the understanding that workers' creativity is crucial for preventing and controlling workplace risks. Field observations of work process simulations, interviews with workers, and collection of workers' experiences with specific production tools helps bring their local lay knowledge back up to the standardisation process in order to improve the quality of design standards. Although international standards affect workers at their workplace, the feedback method enables them to impact the standardisation process taking place at the European level.

CONCLUSIONS

Trade unions are under-represented actors in the standard-setting process. Although the adoption of the Machinery Directive gave impetus to their involvement, numerous obstacles to their participation remain. Our results provide evidence that the impacts of international standards on traditional labour regulations are not straightforward. Interviews have shown that the supplementary, alternative, or undermining nature of international standards is also

¹⁵ For example, CEN/TC 122 "ergonomics", CEN/TC 114 "Safety of Machinery, CEN/TC 142 "Woodworking machine", CEN/TC 146 "packaging machines", etc. See Eurogip (2010), Koukoulaki and Boy (2002) and http://hesa.etui-rehs.org/uk/dossiers/dossier.asp?dos_pk=19, retrieved August 05, 2010.

¹⁶ Christèle Hubert, In charge of 'Standardization' Actions, Eurogip, interview with the author, Paris, 20 April 2010.

¹⁷ Stefano Boy, Research Officer in standardisation, ETUI, interview with the author, Brussels, 23 April 2010.

negotiated within the standard-setting bodies. As such, the participation of countervailing power within the technical committee in charge of standardisation is crucial. Trade unions' defensive or pro-active position subsequently unveils the hybrid authority of international standards, highlighting the shift of regulatory power toward arenas that simultaneously relate to the private sphere of economic activities governed by market constraints as well as the public sphere of political action directed to general interest. In so doing, standardisation blurs the distinction between private and public actors.

International standards spread along physical measures to societal values, from measurement technique for noise pollution at the workplace to social corporate responsibility. In this regard, our results suggest that the object of standardisation impacts differently upon the inherent tension in trade unions' participation in standardisation. Whereas societal objects of standardisation are more prone to encroach upon traditional regulations, physical standards are perceived as a valuable tool sustaining traditional regulations. This may in turn reflect the fact that trade union participation in physical standards occurs primarily within a field in which employees, employers, and state interest converge: the reduction of accident and associated costs in the workplace. Although OHS standards relate to 'protective rights', it is worth noting that trade unions' access to standard-setting arenas is an issue of 'enabling rights': the right to collective bargaining with regard to the technical specifications governing globalization.

This paper has highlighted the growing influence of so-called voluntary technical standards on workers and has underscored the role of trade unions as a significant countervailing power. International standards can offer a promising avenue for studying the role of trade unions in the globalisation process. Trade unions' involvement in standardisation address productive concerns that move beyond traditional distributive concerns (Hannah and Bueno Fischer, 2002, p. 100). In this regard, it remains to be seen how far trade unions will use technological issues to undermine 'selective regulation' and promote workers' rights.

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