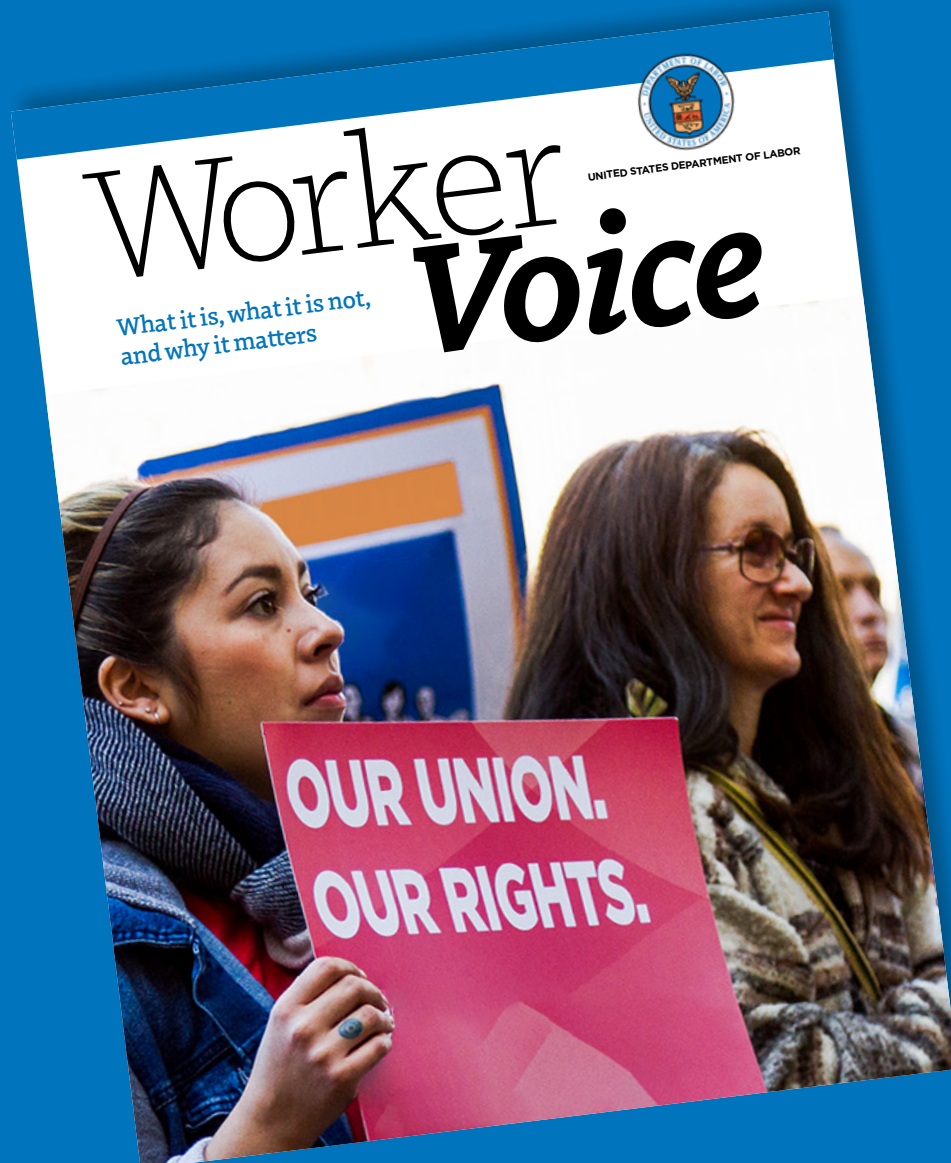




UNITED STATES DEPARTMENT OF LABOR

# Literature *Review*





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# **Worker Voice: A Literature Review**

Center for Global Workers' Rights

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ICF and The Pennsylvania State University Center for Global Workers' Rights  
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## Abstract

Worker voice is a topic on which scholars and practitioners have written for well over a century, and the interest in the topic has only grown over time, particularly since the 1980s. Yet, what exactly is meant by ‘worker voice’? And when and why is it effective, and when is it not? This literature review seeks to provide answers to these questions. It does so through an exploration of scholarship from diverse fields, including sociology, economics, political science, history, industrial relations, labor studies, and business management. It provides a systematic overview of the topics discussed under the concept of “worker voice.” Cutting across our approach to the literature is an attempt not only to define worker voice and its components and explore its numerous manifestations, but also to understand outcomes. When do worker voice mechanisms result in concrete and significant changes in terms and conditions of employment?

Studies have addressed the motivations, organizations, social implications, public policies, scope, and effects of such worker participation in the employment relationship. Scholarly attention to the concept of “voice” gained prominence through the adaptation of the loyalty-voice-exit model that Albert Hirschman (1970) developed from observing consumer behavior in the mid-20<sup>th</sup> Century. Subsequent interpretations of the model considered both collective and individual channels of communication on employment relations. In employment relations, the most significant application of the Hirschman model was the book *What do Unions Do?* by Richard Freeman and James Medoff (1984), who find that where workers have a strong voice through trade unions, workers are less likely to quit. Simultaneously, accelerating international activity prompted greater attention to the contingent character of mechanisms through which workers exercise voice. The literature review first identifies contributions and debates chronologically. Secondly, it turns to evident themes. We find that this long knowledge-building process has highlighted that workers most effectively exercise voice when mechanisms are collective, democratic, inclusive, protected, enabling, and empowering. The third part of the review introduces cases of efforts toward effective worker voice mechanisms, which evince the challenges involved and are further explored in this project’s final report.

## Contents

Abstract.....	2
Methodology.....	4
Worker Voice literature, big picture overview .....	6
Chronological history of worker voice in the literature.....	8
<i>Worker voice and industrial democracy</i> .....	8
<i>Worker Voice, freedom of association, and collective bargaining rights</i> .....	9
<i>Governmental policy on workers' rights</i> .....	10
<i>Union effects on workplaces, economic activity, and society</i> .....	11
<i>International economic activity and worker voice</i> .....	16
<i>Individual voice in human resource management practices</i> .....	17
Contemporary debates and findings on worker voice.....	19
<i>Challenges to worker voice in contemporary employment</i> .....	19
<i>Worker innovations to exercise voice</i> .....	23
A framework for understanding worker voice in the contemporary global economy.....	25
<i>Relevant literature on case studies that inform the framework of worker voice</i> .....	27
<i>Enforceable brand agreements (EBAs)</i> .....	27
<i>Plurilateral trade and investment treaties and trade union organizing</i> .....	28
<i>Trade unions, worker centers, and political advocacy in agriculture</i> .....	29
<i>"Justice corridors" for migrant workers in Central and North America</i> .....	31
<i>Worker voice and authoritarian regimes</i> .....	32
<i>Worker voice in domestic work</i> .....	33
<i>Worker voice and ending child labor and forced labor</i> .....	34
<i>Worker voice in digital platform-mediated employment</i> .....	35
<i>Worker-driven research</i> .....	35
Conclusion.....	36
References .....	37

## Methodology

The United States Department of Labor (DOL) International Labor Affairs Bureau (ILAB) is implementing the Multilateral Partnership for Organizing, Worker Empowerment, and Rights (M-POWER) focused on ensuring that working families thrive in the global economy and elevating the role of trade unions and organized workers as essential to advancing democracy.<sup>1</sup> Under M-POWER, ILAB initiated the Worker Voice Policy Research Services project with the implementing partners ICF and the Pennsylvania State University (PSU) Center for Global Workers' Rights (CGWR). The project aims to inform policymakers and practitioners about worker voice and the most effective methods for promoting it. Through this literature review, interviews, roundtable and focus group discussions with expert scholars and practitioners, and a series of case studies, the project is exploring the following key questions:

1. What is and what is not contemplated by the concept worker voice?
2. What elements are essential for the effective exercise of worker voice?
3. What insights are highlighted for the exercise of worker voice by worker efforts to organize and collectively bargain throughout the international political economy, especially in extraordinarily challenging contexts?
4. What are the most effective ways to promote freedom of association and collective bargaining rights throughout global supply chains?
5. What are key areas of law that support effective exercise of worker voice?
6. What are the most effective methods for promoting worker voice through policy interventions and technical assistance programs?

The literature on 'worker voice' could fill a small library. A simple Google Scholar search indicates 5,610 scholarly publications related to the topic, of which 1,970 were published since 2019. Hence, sorting through this literature requires a methodology with clear objectives. For our purposes, we are interested in forms of worker voice that empower workers to improve their terms and conditions of work, and to do so in ways that are inclusive of marginalized groups in society. Thus, we are less interested in literature on individual voice mechanisms, which restrict the scope of workplace issues to individual employee experiences, discount the power dynamics of the collective relationship between companies and workers, and are the focus of a considerable amount of the literature. We are more interested in collective voice mechanisms, which have potential to redistribute power and enable less-privileged production, service, and agricultural workers to shift from precarious toward decent work.

The second core component of our methodological approach for this literature review is use of the most credible and relevant sources. Credible sources focus on peer-reviewed journal articles, most notably in the relevant fields' top ranked journals. They also include books published by top academic press. Research reports with rigorous methodology by academic, international, governmental, non-governmental, trade union, and media organizations are an

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<sup>1</sup> See <https://www.dol.gov/agencies/ilab/multilateral-partnership-for-organizing-worker-empowerment-and-rights-m-power-initiative>

additional credible source. Relevant sources suggest the need to focus the literature review on findings related to the topic. In our case, the decision to focus on ‘collective voice,’ means that we will not be providing an extensive literature review on publications that are primarily concerned with individual voice mechanisms, although we will reference some of this literature to better conceptualize our working definition of collective worker voice.

Compiling a robust set of literature for this review involved four stages. First, a search was conducted through the library systems of Cornell University and the Pennsylvania State University, two academic institutions with dedicated labor and employment relations schools. Primary search terms used were “worker voice,” “worker organization,” “trade union”, “collective bargaining”, “union effects”, “labor policy”, “labor law”, “international labor law”, and “international labor standards”. Searches covered the 19<sup>th</sup> century through to the present, the period when robust development of the concept of worker voice and parallel public policies occurred. Second, preliminary lists of sources were vetted with widely recognized academic experts on worker voice. Third, a wide range of academic and practitioner experts on worker voice provided recommended sources at the request of the project. Fourth, highly cited publications referenced in the sources consulted through these first three stages were added.

The literature review references 293 sources, selected from a broader consultation of 450. The sources are from academic (83%), non-governmental (6%), international (5%), trade union (3%), governmental (1%), and media (1%) organizations. We sought out the broadest ranges of scholars possible to cover in this review. One of our findings is that scholars writing on worker voice tend to be concentrated in the US, Canada, the UK, Australia, and India where the term is in greatest use. We sought to address that by ensuring a geographic dispersion on the country and regional focus on research studies: 129 (44%) sources focus internationally, meaning observations are from multiple countries. The remainder focus on North America (32%), Europe (10%), Asia (9%), Central and South America (3%), and Africa (1%).

The literature review is designed to present a systematic overview of worker voice in order to support the broader ILAB Worker Voice Policy Research project defining worker voice. The review begins with the theoretical development of the concept of worker voice (section 3.1). Next, it addresses contemporary debates and findings on worker voice (3.2). The following sections cover first the literature on themes from worker voice literature that support a framework for understanding the concept, and second literature on case studies demonstrating the theory in practice. The review concludes by highlighting areas of consensus and areas for future research on worker voice.

## Worker Voice literature, big picture overview

The concept worker voice refers to the capacity of workers to speak up, articulate, and ultimately improve the terms and conditions of their employment, their livelihood. “Voice” as a means of achieving change was first conceptualized by sociologist Albert Hirschman (1970). In Hirschman’s exit-voice-loyalty model, a consumer can remain loyal by accepting a retailer’s offerings, exit the retailer, or use voice—that is, use purchasing power to convince the retailer to change offerings. The labor economists Richard Freeman and James Medoff adapted Hirschman’s (1984) exit-voice-loyalty model to explain their observations of the effects of trade unions. With bargaining power based in collective organization, unions use collective bargaining and union grievance procedures to improve terms and conditions of employment, reduce worker turnover, and enhance productivity (Freeman and Medoff 1984). Worker voice, as conceptualized by Freeman and Medoff, therefore refers not to any form of communication between workers and managers, but to those forms of communication capable of achieving shared gains from the employment relationship.

The origins of the concept worker voice point to the importance of reviewing literature on the longstanding question ‘how workers articulate and advance their interests in employment relationships,’ regardless of whether the phrase “worker voice” is used. Indeed, “worker voice” does not often translate well into other languages. For example, the terms “voz de trabajador” or “voz de empleado/a” is almost unheard of in Spanish. For observers in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, understanding the industrial revolution meant studying workers’ livelihood strategies. These early scholars of “worker voice” identified democratically operating unions leveraging employer’s dependence on their labor as the means through which workers represent their interests in modern society. With “industrial democracy,” Beatrice and Sidney Webb (1897) observed that political democracy requires the democratic participation of workers in establishing the rules governing the employment relationship. This nexus between democracy at work and social justice and peace underpinned the establishment of the International Labor Organization (ILO) in 1919 and national policies supporting collective bargaining between unions and employers. Indeed, the governance structure of the ILO is unique in that it includes the participation (voice) of labor, as well as employers and governments.

The adaptation of the exit-voice-loyalty model to employment relations in the 1980s arrived at a time when employer and government support for collective bargaining was in decline. It was a conjuncture of geographic expansion of markets (globalization), higher returns on capital and thus more allocation of investment in financial relative to productive activities (financialization), and the neoliberal ideology of increasing the role of market forces on employment relations. In this context, employers increasingly exercised their power to avoid collective bargaining by making the “strategic choice” to do so (Kochan, Katz, and McKersie 1994), government protection of workers’ collective bargaining rights weakened (Howell 2021), and union density, collective bargaining coverage, and strike leverage declined (Rosenfeld 2006a).

The use of “voice” to refer to communications between individuals at workplaces emerged as part of increasingly widespread use of human resource management (HRM) practices, primarily in English-speaking countries. Strategically able to avoid collective bargaining, employers developed mechanisms to gain information from employees to optimize business competitiveness (Budd, Gollan, and Wilkinson 2010; Farndale, McDonnell, Scholarios, and Wilkinson 2020). Some scholars associate worker voice, understood as individual communication of concerns over employer conduct, with ‘whistleblowing’ (Van Dyne and LePine 1998), a voice mechanism that is reliant on moral suasion and managing risks of retaliation. Voice as an HRM practice thus marked a departure from worker voice as a means of change based on workers’ collective power. Studies of HRM consistently and unsurprisingly find that worker use of HRM mechanisms does not affect distributional questions, such as remuneration (Budd, Gollan, and Wilkinson 2010; Donaghey, Dundon, and Dobbins 2012; Mowbray, Wilkinson, and Tse 2015; Brewster, Croucher, and Prosser 2019). Reflecting the development of HRM, use of the individual concept of “voice” is most prevalent in studies in the United States and United Kingdom.

Internationally, studies of how workers improve the terms and conditions of employment do not necessarily use “worker voice” and nevertheless inform understanding of the concept. The international literature highlights that workers are concerned with distributional questions (Li and Kuruvilla 2022) and, as individuals, tend to face retaliation rather than improvements in their terms and conditions of employment when speaking up (Anner 2015; Appelbaum and Lichtenstein 2016). Furthermore, scholars find that workers’ diverse experiences are shaped by the interactions between class and other socially constructed hierarchies, including gender, race, and nationality in workplaces, collective organizations, and society more broadly (Roediger, Porter Benson, Gapasin, Dillahunt, and Quan 2001; Fischer-Daly and Anner 2021; Lee and Tapia 2021; Lee, Davis-Faulkner, Williams, and Tapia 2022). Voice mechanisms are thus embedded in interactive power relations.

In sum, this review of literature on worker voice encompasses approaches to the question how workers improve terms and conditions of employment. It begins with a chronological review of the literature, tracing responses to this question from the scholars of early modernization to contemporary, internationally focused studies. Patterns across this literature suggest that effective worker voice is collective, democratic, empowered, protected, inclusive, and enabled. The penultimate section elaborates these components as a framework for understanding effective worker voice. The final section then presents literature on a series of case studies that are elaborated in this project’s final report to further develop the framework. In different contexts, using distinct mechanisms, and with different results, each case offers insights to the question how workers engage with employers, state representatives and other power holders in society to improve their terms and conditions of employment, and what are the outcomes of that engagement. That is, we seek to explore when, why, and how worker voice is most effective at multiple scales in society.



## Chronological history of worker voice in the literature

### *Worker voice and industrial democracy*

The phenomenon of worker voice began attracting the attention of scholars studying the industrial revolution, primarily of the 19<sup>th</sup> century, as increasingly more people sought to meet their basic needs and those of their families through employment (Webb 1902; Wood 2003). Billions of people entered labor markets as wage workers seeking compensation that provides a livelihood. Two decades into the 21<sup>st</sup> century, three and a half billion people participate in labor markets, according to the World Bank, and another half billion seek additional work, reports the International Labour Organization (ILO).<sup>2</sup> Yet, the enduring question is whether workers have a say in the terms and conditions of their labor, and, if so, what form this takes.

What early industrialization era scholars observed was workers increasingly formed organizations. That is, the response to the worker voice deficit was a collective response. In Sidney and Beatrice Webb's (1897: 850) explanation, "The very fact that, in modern society, the individual thus necessarily loses control over his own life, makes him desire to regain collectively what has become individually impossible." Negotiating terms and conditions of employment is not possible for most individual workers but requires workers to act collectively (Webb 1901; Commons 1909; Katz 1993; OECD 2019: 13). Workers collective action counters individual competition and prevents immiseration resulting from business competition by securing wage increases in alignment with increases in prices and working hours (Webb 1901). In a classic industry study that formed a foundation for the field of industrial relations, John R. Commons (1909) observed that workers organized to protect themselves from continuously emerging "competitive menaces" as market expansion changed their position from direct (craft) producer to employee at a company operating in international markets. Subsequently, historian Marcel van der Linden (2008: 11) defined labor collective action as "more or less coordinated action by a group of workers (and, perhaps, allies) to attain a specified objective, which they would be unable to achieve individually within the same time frame with the means available to them."

While labor and product markets expanded, political systems increasingly shifted toward democracy, and scholars observed an interdependency between political and economic democracy. In the United Kingdom, Sydney and Beatrice Webb (1897) articulated this dependency in *Industrial Democracy*, which, they argue, requires workers organizing associations that raise independent revenue, elect representatives, and engage in collective bargaining, mutual aid, and political advocacy (Webb and Webb 1897). Thus, for the Webbs, industrial democracy entails collective, democratic, elected, and independent worker organizations. These components of worker voice contribute to our contemporary definition of

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<sup>2</sup> The World Bank indicator "Labor force, total" includes people employed and unemployed but seeking work (World Bank n.d.). The ILO estimates 470 million people sought more work, including 188 million unemployed, 165 seeking more hours of work, and 120 million people not classified as unemployed because they are not currently looking but will need work (ILO 2020a:12).

effective worker voice. The Webbs also argued that industrial democracy would be a “bulwark against social oppression,” perceived as “hostile” by “autocrats” and otherwise “a necessary element in the democratic state” (1897: 808, 824-5). They thus anticipated that industrial democracy (what is known today as “worker voice”) would come under attack in authoritarian regimes, such as the ones we see now in Myanmar and Belarus.

In the United States context, economist J.A. Estey (1928: 208) concurred, writing, “It is a fundamental doctrine of political democracy that one should have some voice in regard to matters that vitally affect him.” And Albert Rees (1962) concluded that unions are as important for political democracy as they are for voice in the workplace. Leary finds the recognition that “democracy necessarily implies the right of association, including the right to form and join trade unions” rests on the “link between workers’ rights and peace” (Leary, quoted in Atleson, Compa, Rittich, Sharpe, and Weiss 2008: 112). Scholars have also identified that democratizing work strengthens democracy throughout society by improving decision-making and increasing support for inclusive policies (Ferrerias, Battilana, Méda, Mouillot 2022; Cornell and Barenberg 2022). Furthermore, large sample-size studies of the industrial-political democracy nexus have found that increased voice at work is associated with “greater political engagement” (Budd, Lamare, and Timming 2018). Through an analysis of 700 elections in 54 countries in 5 continents spanning 75 years, John Budd and Ryan Lamare (2021) found that pro-worker policy proposals increased a political party’s electoral success.

### *Worker Voice, freedom of association, and collective bargaining rights*

Since at least the 19<sup>th</sup> century,<sup>3</sup> trade unions emerged as the most consistent worker voice mechanism for countering the tendency of the modern economic system to treat workers not as human beings but rather as if they were a commodity, whose price (wage) was set only by market forces (Polanyi 1944). As noted by Lance Compa (2000: 19), they are the most common form for expression of freedom of association, “the bedrock workers’ right under international law on which all other labor rights rest.” The “union” description indicates the collective character of these worker organizations. The “trade” description reflects the historical emergence of unions among craft workers (Montgomery 1979). Its persistence stems perhaps from the observed sequence of individuals recognizing common interests among peers sharing a trade, a workplace, industry, and society (Mann 1973).

Trade unions’ activities have been categorized in three areas of collective bargaining to improve terms and conditions of employment, provision of mutual aid to workers, and advocacy for public policies that support workers’ interests (Webb and Webb 1896; Eaton, Schurman, and Chen 2017). Trade unions are designed as democratic organizations, with workers representing their members, contributing revenue, meeting and voting on decisions, including organizational constitutions and employment contracts (Webb and Webb 1896, 1897; Strauss 1991; Katz, Kochan, and Colvin 2017). When individual unions have not operated sufficiently democratically, they have lost capacity to function (Montgomery 1979; Fletcher and Gapasin

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<sup>3</sup> Their emergence may date back to the 16th century (van der Linden 2008: 221).

2008; Gumbrell-McCormick and Hyman 2019; Pitkin 2022). Recognizing that workers' capacity to collectively bargain depends on their ability to retract labor power from employers, governments and international organizations have established the right to strike within reasonable limits as customary law (Compa 2000; ITUC 2014; Vogt et al. 2020).

### *Governmental policy on workers' rights*

Governments protect worker voice because of its social function. By distributing wealth, the worker voice mechanism of unionism creates “a better balance between conflicting forces” (Atleson et al. 2008: 115). From the international perspective, workers exercising power to improve terms and conditions of employment contributes to “peace [which] can only be established if it is based upon social justice,” as stated in Treaty of Versailles establishing the ILO. Based on this observation, governments worldwide have enacted policies encouraging collective bargaining between unions and employers as a mechanism for exercising voice, here understood as the means for workers to coordinate with employers and governments in establishing and implementing rules of work and society (Dunlop 1958). It is in this sense that the ILO (2022: 30) observes “Collective bargaining is at once an enabling right, a voluntary negotiation process carried out by autonomous parties and a substantive regulatory outcome.” The ILO (2022: 15, 63) reports 35.2% of workers in 98 countries have their employment terms and conditions regulated through collective agreements as of 2020.

While the 187 member states and employer and worker representatives to the ILO recognize union collective bargaining as the voice mechanism to which all workers have a right, national policy approaches to union collective bargaining vary. One key dimension is the existence and stringency of thresholds for unions to be legally recognized as bargaining representatives of workers, which can limit collective bargaining (ILO 2022: 53). Another is the existence and robustness of state provided systems for conciliation, mediation, and arbitration, which support collective bargaining (ILO 2022: 55). Coverage of collective bargaining agreements also varies. Both the ILO (2022: 69) and OECD (2019) highlight enhanced capacity to manage change provided by broad coverage, either through extension—legal application of contractual standards to all firms in a sector or area, *erga omnes* clauses—legal application to all workers concerned, or adhesion/participation norms—voluntary commitments by the parties to adhere to agreements. Coordination between firm-, sector-, and national-level bargaining contributes to broadly shared benefits (OECD 2019).

National models take different approaches. Dual systems of union sectoral bargaining and co-determination structures of worker-elected councils at the workplace and representatives on firm boards are widespread in Europe, where union density and collective bargaining coverage rates are relatively high. Twenty European countries legally mandate co-determination. By themselves, co-determination bodies have little capacity to dramatically improve terms and conditions of employment (Gumbrell-McCormick and Hyman 2006; Jäger, Noy, and Schoefer 2021). This is because they do not provide structures providing worker control over production processes and sufficient influence over investment decisions (Meidner 1978, 1993; Gumbrell-McCormick and Hyman 2019). However, legal mandates support firm participation in co-

determination, and union collective bargaining enables co-determination to contribute to outcomes such as higher productivity, wages, and worker retention by facilitating problem solving through separately assigning distributive bargaining to unions and integrative bargaining to co-determination bodies (Addison, Schnabel; and Wagner 2001; Jäger et al. 2021; Walton and McKersie 1965). Virginia Doellgast (2010: 286) found, “co-determination is most effective when backed by a union with some measure of bargaining power.” This finding was supported by subsequent research by Chris Brewster, Richard Croucher, and Thomas Prosser (2019) and Berndt Keller and Anja Kirsch (2021). Declining union representation and collective bargaining coverage weakened the ability of the dual system to deliver such effects in Germany in recent years, as would thus be expected (Jaehrling & Méhaut 2013; Pulignano, Meardi, and Doerflinger 2015; Keller and Kirsch 2021).

National systems in other regions have further demonstrated the importance of trade unions and collective bargaining, and their limits when they are weakened. In South Africa, sectoral agreements have increased productivity without benefiting workers as lead firms in the sectors have opted out of collective bargaining between their suppliers and production workers (Godfrey, Elsley, and Taal 2017). In the Philippines, a policy of a minimum wage rate and voluntary productivity-based additional pay did not link wages and productivity, by specifying management-worker committees as the forum for contingent-pay setting, instead of collective bargaining (Serrano 2016). A pay-productivity gap has also been observed in the United States, in part due to employer strategic choice to avoid union collective bargaining (Mishel and Bivens 2021; Kochan, Katz, and McKersie 1994).

The US labor relations system is notably characterized by a worker-voice gap: more workers seek the capacity to influence terms and conditions of their employment than have it. That gap has grown for forty years (Kochan 1979; Kochan et al. 2019). On paper, the US system is based on principles of protected freedom of association, trade union independence, worker choice of union representative, worker ability to change or decertify unions, defined “appropriate” bargaining units, majority rule, certification of unions by labor law authorities, exclusive representation, a duty to bargain, and the right to strike for a new collective agreement (Compa 2014). Leading scholars once expected the US system to serve as a model internationally (Kerr, Harbison, Dunlop, and Myers 1960). However, contemporary scholars highlight several obstacles to collective bargaining, including: permission of permanent replacement of striking workers, proscription of solidarity actions among workers and unions, exclusions of agricultural, domestic, undocumented, incarcerated workers from protections, permission of employer resistance to collective bargaining, weak penalties for violations, procedurally-facilitated obstruction of first contract bargaining, deportations of international migrant workers, denial of voice to workers when no union passes the threshold for bargaining rights, and restrictions of bargaining to workplaces and to wages, hours, and working conditions (Compa 2000; Block and Sachs 2020; Kochan et al. 2022).

*Union effects on workplaces, economic activity, and society*

Union collective bargaining affects not only individual parties to an agreement but also society. In (neo)classical economics, unions limit consumption possibilities by using monopoly over labor markets to force misallocations of capital by companies always behaving rationally in perfectly competitive markets (Simons 1944; Harbeger 1964; Kaufman 2008). However, robust studies in the industrial relations and institutional economics fields find that trade unions contribute to balancing equity and productivity through collective bargaining, which is necessary due to conflicting interests and is possible due to overlapping interests of employers and workers (Webb and Webb 1896, 1897; Commons 1959; Dunlop 1958; Katz, Kochan, and Colvin 2017; Budd 2021).

Studies have consistently found that unions contribute to reducing inequality at work and in society. Richard Freeman and James Medoff's *What Do Unions Do* (WDUD, 1984) presented findings that unions reduce inequality by reducing intra-firm wage differentials—with greater gains for the least paid—and setting standard industry wage rates, reduce quit rates, alter firm responses to economic cycles by enabling negotiated mitigation measures, and increase productivity. They explained the findings by adapting Albert Hirschman's (1970) exit-voice-loyalty model of consumer behavior to employment relations, observing that the voice provided to workers by unions, especially in collective bargaining and grievance procedures, increases worker retention by providing options other than quitting or enduring unsatisfactory conditions. More significantly than the popularization of “worker voice” as a term, Freeman and Medoff's *WDUD* prompted a subdiscipline of industrial relations applying econometric methods to consider union effects. A meta-analysis of more than 300 studies of union impacts in multiple countries from 1973 through 2014 corroborated findings of Freeman and Medoff (1984) that unions reduce inequality and turnover (Doucouliagos, Freeman, and Laroche 2017). The meta-analysis study also found a statistically significant negative correlation between unionization and profits, leading the authors to conclude, “At the heart of trade union effects on the economy is a shift in income from capital to labor” (Doucouliagos et al. 2017: 145).

Robust findings of econometric studies have contributed to a consensus that union collective bargaining reduces inequality society-wide. Studies have found equity enhancing effects of union collective bargaining in multiple countries (Rosenfeld 2006b; Hayter and Weinberg 2011; Visser and Checchi 2011; Western and Rosenfeld 2011; Hayter 2015; Rosenfeld, Denice, and Laird 2016; Morrissey 2021). Across countries and over time, unionization is associated with lower income inequality, as measured by ratios of wage distribution percentiles (Blau and Kahn 1996; Card, Lemieux, and Riddell 2004; Farber et al. 2018; Pontusson and Rueda 2010, Pontusson 2013; Western and Rosenfeld 2011; Ahlquist 2017). In its flagship report on collective bargaining, the ILO (2022: Figure 3.3.) presents data showing that countries with higher collective bargaining coverage lower the income gap between the top 10% and bottom 10%. Other studies also measure union effects on Gini coefficients, which measure inequality. Florence Jaumotte and Carolina Osorio Buitron (2020) calculated that union density decline accounted for 40% of inequality and increased Gini coefficients in 20 countries from 1980 to 2011, due to increased allocation to the highest income brackets. In the United States, scholars found that “The rise in unionization explains over one-fourth of the 1936–68 decline in the Gini coefficient [societal inequality] and, conversely, its decline explains over one-tenth of the rise in

the Gini coefficient after 1968” (Farber, Berbst, Kuziemko, and Naidu 2021: 1328), an updated finding from a similar previous study (Card 1998). Over lifetimes in the United States, union membership is associated with a \$1.3 million mean increase in earnings, a higher premium than gained from college completion (Parolin and VanHeuvelen 2023), reflecting a union wage premium of 15-17% (Freeman and Medoff 1984; Robinson 1989; Card 1996; USDOL 2022).

Studies have identified several mechanisms through which unions as a worker voice mechanism reduce inequality. Raising the lowest wage rates compresses wage differentials (Card, Lemieux, and Riddell 2003; Vaughan-Whitehead and Vazquez-Alvarez 2018: 43). Higher rates of collective bargaining coverage are associated with lower incidence of low pay, specifically the share of workers earning less than two-thirds of median earnings (Metcalf, Hansen, and Charlwood 2001; Bosch 2015). Coordinated bargaining systems and high collective bargaining coverage are associated with higher employment, more integration of vulnerable groups of workers, and lower wage inequality than countries with fully decentralized bargaining systems (Garnero 2020; OECD 2019). In developing countries, informal employment and low levels of collective bargaining increase the importance of formalizing labor markets and minimum wage regulation (Cornia 2014), to which unions contribute (Chattaraj 2016). One study suggested that the shift from artisan to factory production increased demand for and productivity of unskilled workers, conditions supporting unions to achieve higher wages for more workers, while the shift from factory- to information-based economic growth eroded these conditions (Dinlersoz and Greenwood 2012). Another study found that the removal of the “threat effect” (non-union employers raising wages to avoid unionization) doubled the share of increased income inequality accounted for by de-unionization 1979-2017 (Fortin, Lemieux, and Lloyd 2021).

Greater balance of working time is also associated with union collective bargaining. Collective bargaining has been found to support agreements on working time options that meet firm needs for variability and workers’ needs for autonomy (ILO 2022: 82; Klenner and Lott 2016; Schulten and Bispinck 2017). In low- and middle-income countries, collective agreements increase compliance with statutory standards on working time (ILO 2022: 81).

Union collective bargaining contributes to equality by supporting the interests of marginalized groups. A study on the US and UK concluded, “there is evidence—confirmed in this paper—that unions are particularly good at protecting the wages of the most vulnerable workers” (Blanchflower and Bryson 2003: 30). The union wage premium most significantly raises incomes of racially marginalized and the lowest-paid workers and thus reduce pay gaps, as found in South Africa (Butcher and Rouse 2001) and the United States (Pitts 2008; Rosenfeld and Kleykamp 2017). Unionization can also reduce racial prejudices (Frymer and Grumbach 2020). Union representation is found to reduce the gender pay gap, in the United States by 16 cents per dollar (Gould and McNicholas 2017). Centralized collective bargaining structures have been found to contribute to reducing the gender-pay gap (Blau and Kahn 2003). Anner (2022) found unions and collective bargaining reduced the gender pay gap by one third in the Honduras apparel sector. Anner (2023) also found that women workers covered by collective bargaining agreements in the Guatemalan banana sector were 7.25 times less likely to face gender-based violence at work. In addition to pay, collective bargaining agreements have been found to

counter gender-based violence GBV by defining sexual harassment, including protocols to prevent sexual harassment, commit management and workers to investigate complaints, and create committees to assist victims (ILO 2022: 99). Collective bargaining can also support parenting by providing workers with leaves and maternity protection (Baird and Murray 2014; Julén Votinius 2020). Many collective bargaining agreements provide protections against dismissal of pregnant women, special accommodations for pregnant workers, spaces for breastfeeding, childcare, flexible work scheduling for childcare, and consultation rights on parental leave and work changes during absence (ILO 2022: 98).

Unionization can contribute to these and additional social equality outcomes by increasing workers' influence on a range of corporate decisions. Job security effects include reduced exposure to underemployment (Artz, Blanchflower, and Bryson 2021), more stable work schedules (Golden 2015), prevention of employment loss during economic downturns and return to full capacity when economic demand increased (González Fernández 2013; Flecker and Schönauer 2013; Glassner, Keune, and Marginson 2011), and increased regulation of probationary periods, notice periods, severance pay, temporary and fixed-term contracts (ILO 2022: 88). Union collective bargaining has also found to mitigate monopsonistic<sup>4</sup> power of employers in labor markets (Kaufman 2012), a phenomenon increasingly highlighted by economists (Ashenfelter et al. 2021). It also may provide workers with the ability to place limits on executive pay (Jaumotte and Buitron 2020). Another study found that unions can reduce work-related stress (O'Brady and Doellgast 2021).

In the "gig" economy, collective agreements negotiated in the 2010s regulated working time, pay, social protection, data protection, leaves, costs of use of vehicles and other tools, personal protective equipment, severance pay, protection from discrimination in various countries, including the United Kingdom, Denmark, Germany, Norway, Austria, Spain, Italy, Switzerland, Republic of Korea (ILO 2022: 90, Box 3.4). Furthermore, 23% of 512 collective bargaining agreements in 21 countries reviewed by the ILO support environmental sustainability goals, including through employment transition planning, management of emissions and waste, upgrading industrial processes, reuse of outputs previously discarded, shifting to renewable energy sources, reduction of natural resource consumption, and mitigating impacts of wastewater discharge (ILO 2022: 93).

In an era when half the world's population, 4.1 billion people, lack any social protection (ILO 2021b), union collective bargaining is widely found to increase worker welfare. In countries without universal healthcare, collective agreements have provided healthcare access through healthcare funds in South Africa (Budlender and Sadeck 2007), reimbursement of healthcare expenses in Canada, firm-level medical check-ups in Bangladesh and Cambodia, HIV/AIDS programs in Tanzania, and birth-related maternal healthcare in Uganda (ILO 2022: 86). Researchers found that unions facilitate workers' accessing statutory social benefits in Ghana,

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<sup>4</sup> Monopsony power, or a buyer's ability to set the price of what they are purchasing, in labor markets refers to an employer's capacity to set wages, typically due to insufficient competition for workers in a labor market (see Ashenfelter et al. 2021 for a review of recent studies of the issue).

including social security, paid leaves, and severance pay (Owoo et al. 2020). In the United States, studies have found that collective bargaining contributes to better health (Sochas and Reeves 2022), health care access (Banarjee et al. 2021), and voter turnout (EPI 2021), a means to influence social systems. Studying unions in the United Kingdom, David Blanchflower and Alex Bryson (2021) found positive effects of union membership on life satisfaction and happiness. Multi-employer bargaining has supported social protection programs through collective financing in a number of countries (Natali, Pavolini and Vanhercke 2018; Budlender and Sadeck 2007). Through the Ghent system in Belgium, Denmark, Finland, Iceland, and Sweden, trade unions administer state-subsidized, voluntary unemployment insurance, while in other countries (including France, Italy, and South Africa), sectoral agreements have established pooled funds that complement statutory unemployment insurance (ILO 2022: 87).

As collective voice organizations, unions reduce turnover by providing workers an alternative to quitting, thus creating conditions for long-term relationships and enforcement of contracts, which contribute to labor-management focus on improving productivity that can benefit both parties (Tzannatos and Aidt 2006). Studies of the relationship between collective bargaining and productivity have found it to vary, particularly by labor relations institutions and market competitiveness. “Collective bargaining can provide a vehicle to ensure that workers are able to negotiate a fair share of productivity gains, which in turn enhances their commitment to the productive sustainability of an enterprise,” as the ILO summarizes (2022: 28). Meta-analysis of hundreds of studies across countries and forty years found a neutral effect of collective bargaining on productivity that varies by country and industry (Doucouliagos et al. 2017: 70). The study found the effects of unions on productivity to be positive in education, construction, and nursing and negligible elsewhere (Doucouliagos et al. 2017). During industrialization, unionism has been found to contribute to higher productivity, enabling firms to pay efficiency rather than market-clearing wages (Standing 1992), a finding corroborated by multi-country studies (Doucouliagos et al. 2017).

In industry-level or sectoral bargaining structures with coordination between sector and workplace levels, collective bargaining has been found to increase productivity (Visser 1998; Bryson and Wilkinson 2001; Iverson and Soskice 2001; Amable 2003; Turnbull 2003; Lamarche 2013; Andreasson 2014; Godfrey et al. 2017; Garnero et al. 2018; Laroche 2020; Brandl and Braakman 2021; Devicienti and Fanfani 2021). Additionally, regulations increasing labor-management cooperation, such as combining co-determination with sectoral bargaining, support productivity through collective bargaining (Tzannatos and Aidt 2006; Kochan and Dyer 2021). Higher union density has been found to contribute to higher firm productivity and wages, with the effects realized through changes in organizational management, especially collective bargaining (Barth, Bryson, and Dale-Olsen 2020). There is also some evidence that union representation needs collective bargaining agreements to raise productivity (Svarstad and Kostol 2022). Furthermore, collective bargaining is more likely to increase productivity in competitive markets (Reynolds 1986; Metcalf 2002; Tzannatos and Aidt 2006).

Related to productivity, collective bargaining can also support the implementation of new technologies and worker training. Through their facilitation of training, unions may contribute



to productivity by increasing workers' skills and reducing worker turnover. Collective bargaining agreements have supported the implementation of new technologies by requiring consultations, implementation committees, exchanges of employment for functional and geographic mobility, training, and agreements on disconnecting (ILO 2022: 89, 92). The ILO (2022: 94) additionally found that 65% of 512 collective agreements in 21 countries contribute to training by establishing joint committees to plan, establishing respective responsibilities, stipulating volume of training, funding, and linking training and new technologies. Like productivity gains, contributions of unionization to technological implementation and training depend on the quality of management-union relations (Walton and McKersie 1965; Freeman and Medoff 1984; Katz and Sabel 1985; Eaton and Voos 1992; Kochan and Osterman 1994). In collective agreements, unions and management create frameworks for high-quality relations by establishing union access to workers, information sharing, facilities for union meetings, paid time for union activity, and arrangements for union dues payment—provisions found in 78% of agreements in the ILO's (2022: 103-104) most recent international review.

### *International economic activity and worker voice*

Internationalization of economic activity has presented a challenge to worker voice. Scholars have observed that workers would need to exercise voice at the level of employers, increasingly meaning internationally, since the industrialization era (Commons 1909; Moody 1997; Quan 2004; Waterman 2008). Challenges include the inherent greater mobility of capital relative to labor (Arrighi 1994; Harvey 2003; Beverly Silver), policies protecting international investors and restricting immigrant workers' rights (Panitch and Gindin 2013; Walia and Kelley 2021), weak workers' rights enforcement systems at the international level (Appelbaum and Lichtenstein 2016), vast differences between workers' socio-economic and political positions (Dubois 1935; Chakrabarty 1989), and the ability to squeeze workers that derives from concentrated market power and the organization of global supply chains (Bellamy Foster 2007; Anner 2017).

Workers have pursued multiple mechanisms to exercise voice internationally. International trade union federations and international trade secretariats (ITCs) emerged prior to World War I, declined thereafter, and re-organized throughout the acceleration of globalization as Global Union Federations (GUFs) (Cotton and Croucher 2009). As multinational corporations (MNCs) increased their power and reach starting mid-20<sup>th</sup> century, global union federations (ITCs/GUFs) attempted cross-national strike coordination, formed World Company Councils and works councils in Europe for consultations, and negotiated international and global framework agreements (IFAs/GFAs) (Müller, Platzer, and Rüb 2008; Gumbrell-McCormick and Hyman 2019). While implementing GFAs/IFAs proved difficult (Garver et al. 2007; Nifourou 2012, 2014), they contributed to conditions for worker voice within MNCs' spheres of influence (Gumbrell-McCormick and Hyman 2019; Brookes 2019). Since the 2010s, workers and worker advocates campaigned and bargained to establish enforceable brand agreements (EBAs) to increase workers' influence over terms and conditions of work partially set by MNCs (Blasi and Bair 2019).<sup>5</sup>

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<sup>5</sup> For more on EBAs, see this literature review's section below on case studies and this project's case study on EBAs.

Increasingly in recent decades, transnational labor campaigns aim to strengthen workers' voice at one level, often at the workplace or industry level, by using workers' allies' leverage at another, often at the international level by engaging MNCs, governments, or international organizations (Keck and Sikkink 1998; Brookes and Kinzel 2019). These campaigns may be assessed against whether they result in "material or capacity-enhancing gains that are not offset by significant losses for the workers" (Brookes and Kinzel 2019: 5). While international strategies have helped, advancing worker voice has required substantial worker activism at the level where workers seek material improvements (Garver et al. 2007; Brookes and Kinzel 2019; Sarkar and Kuruvilla 2020).

### *Individual voice in human resource management practices*

The human resource management (HRM) approach to voice aims to increase company competitiveness through worker contributions. It is based on a unitary frame of reference, meaning HRM assumes common interest between management and workers, in contrast to the pluralist frame, which assumes mixed, divergent and overlapping, interests (Fox 1974; Bray, Budd, and MacNeil 2020). HRM is derived from scientific management time-motion studies promoted by Frederick Taylor, welfare capitalism popularized by the Ford Motor Co., and human relations techniques identified by Elton Mayo's Hawthorne Studies. The HRM logic is that "productivity and quality of work are enhanced when workers have control over and responsibility for work processes" (Morrell and Wilkinson 2002). Thus, HRM research focuses on how management can "regulate employees," including "employee attitudes and behaviors," for "performance management" (Farndale, McDonnell, Scholarios, and Wilkinson 2020:4).

'Voice' mechanisms within HRM entail management-led initiatives to learn from and maintain individually separated employees, while aiming to increase employee satisfaction through the perception of participation. As John Budd, Paul Gollan, and Adrian Wilkinson (2010:305) conclude, "The human resource management literature espouses the importance of participation and voice, although often in very specific ways in terms of getting employees to contribute more effectively to the business using their skills and knowledge." HRM scholarship thus distinguishes between collective and individual forms of communication between management and workers, what called HRM scholars call "indirect" [collective] versus "direct" [individual] (Boxall and Purcell 2011; Mowbray, Wilkinson and Tse 2015). Practices include 'open door' policies, complaint procedures, attitude surveys, staff and team meetings, 'quality circles' and continuous improvement teams, suggestion invitations, management-worker joint consultative committees (Mowbray et al. 2015).

HRM gained momentum as union density declined and the connection between worker engagement and productivity gained attention (Boxall and Macky 2009; Mowbray et al. 2015). A pattern of introducing "empowerment and lean-based teamworking" with restructuring involving layoffs and work intensification has been described as "programmed insecurity" (Sennett 2006:187). Business management scholars Kevin Morrell and Adrian Wilkinson (2002:121) similarly concluded that within HRM, "empowerment framed in smoke, aggrandized

by mirrors...instead proves to be a more insidious mechanism for control.” The manifestation as “non-union employee representation” mechanisms has been found to be self-defeating if motivated by union avoidance (Donaghey, Cullinane, Dundon, and Dobbins 2012). In contrast to union grievance systems supporting worker retention, non-union dispute resolution procedures were found to not reduce quit rates (Batt, Colvin, and Keefe 2002). Gomez et al. (2019) found a positive relationship between worker-manager committees and worker satisfaction is mediated by union representation. And Charlwood and Pollert (2014) provided evidence indicating that management policies facilitating worker communication increase communication but have low capacity to address rights-based complaints.

Adjacent to the field of HRM is the field of organizational behavior (OB). The OB approach sees voice as, “any type of mechanism, structure or practice, which provides an employee with an opportunity to express an opinion or participate in decision-making within their organization” (Lavelle et al. 2010: 396). The emphasis is thus on individual expression over collective control. The OB conception of worker-initiated voice focuses on individual dissent, such as whistle-blowing (Van Dyne and LePine 1998). As scholars have observed, managerial practices based on OB’s emphasis on expression typically involve a representative of management seeking the response(s) of an individual worker(s) through personal, informal interactions such as one-on-one meetings, open-door policies, unplanned conversations, and regular communication via email or other platforms (Mowbray et al. 2015). In one test of the OB approach, Achyuta Adhvaryu, Teresa Molina, and Anant Nyshadham (2019) found worker “expression” is inherently valuable, noting that workers who were provided a survey to express concerns were less likely to quit than non-surveyed coworkers. However, it is unclear whether such surveys contributed to any substantive changes at work. Thus, as we will see next, many questions remain regarding the validity of such individual, employer-controlled voice mechanisms.

## Contemporary debates and findings on worker voice

### *Challenges to worker voice in contemporary employment*

Effective collective worker voice mechanisms face interrelated economic, political, and social challenges in the contemporary international system, some of which are new and others are iterations of longstanding challenges. The international organization of production, distribution, and consumption of products and services (theorized as global commodity chains, global production networks, and global value chains (Bair 2005) and popularly known as global supply chains (GSCs)) limits exercise of voice by workers laboring under conditions set by internationally divided unit labor costs, market-dominating lead firms, international protections for mobile capital, and an absence of international protections of workers' rights (Anner 2017; Appelbaum and Lichtenstein 2016; Quan 1998; Suwandi 2019). Concentration involves monopolistic control in product markets and monopsonistic control vis-à-vis workers and suppliers (Ashenfelter, Card, Farber, and Ransom 2021; Fischer-Daly 2023). Under conditions of legally enforced protections of capital and unenforced norms on labor rights at the international level (Rogers 2016), governments prioritizing exports feel pressure to suppress and/or derogate duties to protect workers' rights in order to attract investment (Howell, 2021; Panitch and Gindin 2012; Quin 2023). This dynamic includes high-income, advanced industrial countries (Silvia 2020). This situation reflects a history of limited participation of working people and extensive company participation in international economic rulemaking processes combined with strong influence in these processes of countries where the largest companies are based (Mander and Goldsmith 1996; Khor 2001; Stiglitz 2003; Toussaint 2005). This organization of economic activity pits more workers into direct competition for employment, while multinational corporations select locations where institutions supporting worker voice are weakest (Anner 2015; Kuruvilla 2021).

State innovations in labor control prominently restrict workers' voice. State-led dispossessions continue as part-and-parcel of the organization of GSCs, reducing workers' bargaining power by contributing to high levels of un- and under-employment (Harvey 2003; Bair and Werner 2011; Fischer-Daly 2023). State control over workers' exercise of freedom of association and collective bargaining rights—for example, by prohibiting trade unions and restricting workers' choice of union representatives—has impeded worker voice in various countries, including in Belarus, China, Mexico, Myanmar, and Vietnam (Anner 2015; Anner and Liu 2016; Appelbaum and Lichtenstein 2016; Friedman 2013; UN HRC 2021; ILO 2022c; ILO 2023c; Middlebrook 1995). The ILO supervisory system highlights widespread legal thresholds for workers' to collectively bargain and legal support for non-union entities to assume representational duties as impediments to worker voice (ILO 2022: 51-54).

State suppression of workers' right to strike and exclusions of workers from legal protections of freedom of association and collective bargaining rights nationally and through designated special areas undercut effective worker voice (Compa 2000; Vogt et al. 2020; Quinn 2023). Many countries exclude entire sectors, especially agricultural work (FAO 2016, 2018; IUF and

GLJ-ILRF 2021). Under-enforcement of labor laws is widespread (Distelhorst, Locke, Pal, and Samel 2015; Howell 2021; Jaehrling and Méhaut 2013). It is often the result of a deliberate attempt by states to achieve *de facto* labor market flexibility in regions such as Latin America (Córdova 1996). The trend is exacerbated by corporate lobbying against employment regulation, recently prominent among firms using digitally-mediated employment, such as ride-hailing and food delivery companies (Borkholder, et al., 2018; Collier, Dubal, and Carter 2018). Immigration policies that deny rights to migrant workers without state authorization and that bond workers with such authorization to employers and recruiters directly affects 169 million migrant workers (ILO 2021b) and undermines all workers' exercise of rights and suppresses their compensation (Gordon 2007, 2011; Montes de Oca 2021; Walia 2021).

Employer use of violence followed by lack of legal accountability has sharply limited unionization, including in Central America, Colombia, and Bangladesh (Anner 2015; Appelbaum and Lichtenstein 2016; GLJ-ILRF 2022). Furthermore, state permission of employers' use of intimidation, including threats to workers' jobs (Bronfenbrenner 2009), silences workers and facilitates employers to strategically choose union avoidance, a pattern observed in the United States (Kochan, Katz, and McKersie 1994) and South Africa (Mapadimeng 1998). In this context, union density and collective bargaining coverage declined (Visser 2019), decreasing worker voice, as indicated by a decline in strikes, which, in turn, adversely impacted wages (Rosenfeld 2006a). In sum, what this literature indicates is that, for collective voice to be effective, workers must be protected from dismissal, deportation, and physical harm.

Employer avoidance of collective bargaining also impedes worker voice. A study of unions in the apparel sector in El Salvador and Honduras found a pattern of employers facilitating establishment of a management-friendly union at their firms to block unions more assertive of workers' interests (Anner 2009). In Costa Rica, employers set up "solidarity associations" to counter workers' demands for union collective bargaining (Frundt 2002; Riisgaard 2005). In the United States, studies have highlighted widespread employer campaigns to resist unionization—including hiring union-avoidance consultants, requiring workers to hear anti-union messages, threatening workers' jobs, promising or giving benefits in exchange for not supporting the union, surveilling and firing workers—as determinants of union density decline and difficulty of new unions reaching first collective bargaining agreements (Bronfenbrenner, 2022; Block and Sachs 2020; Kochan et al. 2022).<sup>6</sup> Employers have also sought to use laws against organized coercion, such as the Racketeer Influenced and Corrupt Organizations Act (RICO), to resist union collective bargaining (Brudney 2010).

Financialization, increased allocation of capital to finance relative to production of goods and services, has accelerated in recent decades, exacerbating challenges for worker voice. The pattern shifts greater risk onto workers and insulates capital from democratic control (Arrighi 1994; Bellamy Foster 2007; IUF n.d.; Pons-Vignon 2012). Exemplary of the dynamic, pressure by

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<sup>6</sup> Studies have found that employers fire workers for union support in 19.9% of union elections and threaten plant closure in 45% of elections, and that only 36% of union elections result in a first contract within one year, 66% in 3 years (Bronfenbrenner 2022; Ferguson 2008; McNicholas, Poydock, Wolfe, Zipperer, Lafer, and Loustaunau 2019)

creditors on apparel brands contributed to order cancellations and non-payment during the outbreak of the COVID-19 pandemic (Anner 2022; Fischer-Daly, Judd, and Kuruvilla 2022:22). An iteration of financialization, expanding private equity operates with a fundamental moral hazard, in which private-equity firms are incentivized to burden companies purchased with debt that undermines their solvency, often resulting in disregard for collectively negotiated contracts (Appelbaum and Batt 2014; PESP n.d.).

Employment fissuring (Weil 2014) involves the organization of direct and indirect employment relationships within a firm network producing a product or service, fundamentally creating legal barriers to workers' exercising voice toward companies benefiting from their labor (Anner, Fischer-Daly, and Maffie 2021). The ILO supervisory bodies emphasize, "the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), cover all employers and workers *without establishing distinctions based on their contractual status*" (ILO 2022: 51, emphasis ours). Nevertheless, fissuring is widespread, resulting from outsourcing, subcontracting, and misclassification of workers to deny legal rights (Weil 2014), mediation of employment with digital platforms and algorithms (Heeks 2017; Johnston and Land-Kazlauskas 2018; Vallas and Schor 2020; ILO 2021a), hiring by unregistered employers (Agarwala 2014), and denial of citizenship by all states concerned, such as the situation of many workers of Haitian descent in the Dominican Republic (Eaton, Schurman, and Chen 2017).

As a multi-country study concluded, informal work is labor that "creates legal goods or services, but does not offer the standard terms, conditions, and benefits specified for the jobs under law—either because the law does not cover these particular jobs or because the law is not effectively enforced," typically supported by social, especially racialized and gendered, hierarchies (Mosoetsa, Stillerman, and Tilly 2016). It is a persistent feature of the Global South and is increasingly a feature of the Global North (*Ibid*). In fact, few workers have experienced "formal" or "standard employment," which provided minimum wages, job security, work contracts, and in many cases healthcare and old-age benefits (Agarwala 2014). It contributes to precarious work, in which workers lack job security, compensation assurance, and access to social protection systems (ILO 2021a).

Economic and political dynamics have always interacted with social hierarchies, which include those based on racialized, gendered, and national categories and have received less attention in theory and practice. Systemic racism has persistently manifested through state, employer, and union practices (DuBois 1934; Fletcher and Gapasin 2008; Roediger, Porter Benson, Gapasin, Dillahunt, and Quan 2001), yet academic attention has been lacking in the field of employment relations (Lee and Tapia 2021; Lee, Davis-Faulkner, Williams, and Tapia 2022). The influence and lack of attention to systemic racism translates into disproportionate exploitation of workers of racialized groups and impediments to worker voice (Mishel and Bivens 2021). In many cases interacting with racial hierarchies (Crenshaw 1991), gender-based discrimination is indicated by lack of access to higher-paid positions, less secure employment, and lower wages for the same work for women workers compared to men workers (Dolan 2004; England 2010; Gaddis and Pieters 2017; Greenberg 2013; Rao 2011; Robertson, Lopez-Acevedo, and Savchenko 2020).

Child labor and forced labor both reinforce challenges to worker voice. The ILO (n.d., 2020b, 2012) estimates that 1 in 10 children worldwide are in child labor, which it defines as “work that is mentally, physically, socially or morally dangerous and harmful to children, and/or interferes with their schooling,” and estimates that more than 27 million people are in forced labor, meaning they are engaged in work that is “performed involuntarily and under the menace of any penalty.” The ILO (2012) has further identified indicators of forced labor: abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime. Use of immigration status, deceptive and coercive recruitment practices, and lack of access to information contribute to forced and child labor practices (Phillips & Sakamoto, 2012; Potter & Hamilton, 2014; Stringer et al., 2016; Yea 2017).

Use of corporate social responsibility (CSR) to effectively avoid regulatory oversight presents an additional contemporary challenge to worker voice. CSR responds to the tension between the doctrine that management’s task is to maximize shareholder returns and civil society demands for balancing profitability with impacts on people and the environment (Freeman 1984; Porter and Kramer 2011; Crane et al. 2014). In recent decades, most companies adopted a CSR model in which the company creates a code of conduct that references ILO standards and hires internal auditors or a firm to audit suppliers’ compliance with the code (Locke 2013), in response to critiques of labor rights abuses and concerns of government regulation (Bartley 2005). Studies have documented CSR’s inability to reduce violations of workers’ rights for decades (Anner 2012; Appelbaum and Lichtenstein 2016; Barrientos, Gereffi, and Rossi 2011; Elliot and Freeman 2003; Esbenschade 2004; Finnegan 2013; Kuruvilla 2021; Locke 2014; O’Rourke 1997). The voluntariness of CSR impedes effectiveness, including by enabling companies’ “double-breasting,” applying some standards where the costs are low to gain legitimacy from claims of social responsibility, while not applying standards throughout operations and supply chains (Dundon et al. 2015).

CSR does not effectively monitor and enforce standards on freedom of association and collective bargaining rights (Anner 2012; Kuruvilla 2021), sidelines workers by assigning judgement over respect or violation of their rights to others and keeping information confidential from workers, and often does not address worker wage demands (LeBaron 2021b; Li and Kuruvilla 2021). It also ignores buyers’ purchasing practices (Distelhorst and Locke 2018) and creditor and investor pressures on companies (Fischer-Daly et al. 2022). Analysis of CSR’s persistence suggests that the model aligns employer priorities with buyer priorities which are directed by market competition and pressure by creditors and investors to sustain profit growth (Egels-Zandén and Merk 2014; Kuruvilla, Liu, Li, and Chen 2020; Kuruvilla 2021; Li and Kuruvilla and Li 2022). However, CSR initiatives often seek to provide the perception of worker participation through “participation committees.” These committees are set up and controlled by management, and thus provide an extremely weak substitution for trade unions and

collective bargaining (Kyritsis, LeBaron, and Anner 2019).<sup>7</sup> Indeed, because workers are not able to form independent collective organizations and are not provided protection from dismissal, workers are often even afraid to speak up during committee meetings (Anner 2017).

Private, voluntary certification of labor standards has developed as a CSR initiative with a similar track record of not contributing to worker voice. The argument for certifications is four-fold. First, advocates observe that multinational corporations (MNCs) operate in jurisdictions where governments are not enforcing labor laws (Scherer *et al.* 2006; Baumann-Pauly *et al.* 2017). Second, inadequate state regulation can be a problem for MNCs (Braithwaite and Drahos 2000; Baumann-Pauly *et al.* 2017). Third, single companies find it difficult to compete and comply with labor standards (van Tulder 2012). Fourth, different constituencies in multi-stakeholder initiatives (MSIs), alignment of certification requirements with ILO standards, and use of audit techniques present a compelling model (Nolan and van Heerden 2013; Baumann-Pauly *et al.* 2017). However, economic pressures, lack of legal support for working collective action, uneven use by companies, and conflicts of interests reduce the potential of certifications (Fransen 2013; Lindgren 2016). The lack of increased worker voice outcomes stems from the lack of worker participation in certification systems' governance and implementation (Potts *et al.* 2014; Bennett 2017). Leading certifications interview workers at their workplaces and prevent workers access to audit findings with non-disclosure clauses in the contracts between audit firms, accreditors, and standard-setting organizations, and workers report that they will not report violations of standards to auditors out of fear of retaliation (Merk 2007; Esbenshade 2004; Fransen 2013; Brown & Getz 2008; Banana Link 2016). A review of 649 articles on certifications found that most focus on effects on producers, many of which are employers, and on consumers, especially their willingness to pay more and focus on methodological limitations, including the complication of workplaces producing for certified and non-certified markets and an overemphasis on single case studies (Rathgens, Gröschner, and Wehrden 2020). Studies have found that certifications fail to raise labor standards because they exclude workers most vulnerable to abuse, employers using them cannot afford the financial costs of meeting the standards, and insufficient and fraudulent verification (LeBaron 2021a). Under certain conditions, certifications have raised compensation through premiums with limited impact due to low sales volumes of certified products (Makita 2012; Besky 2013), and strengthened women's individual rights, understood as "a pre-condition for fostering their collective rights" (Raynolds 2021: 673). However, multiple studies conclude that certifications "could impede collective organizing and improvements in state labour regulation" (Raynolds and Rosty 2021: 118) and undermines labor solidarity in some contexts (Besky 2013; Brown 2013).

### *Worker innovations to exercise voice*

In challenging environments, workers have created new approaches to exercise voice. Social movement unionism (a union model emphasizing democratic praxis, alliances between labor

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<sup>7</sup> See also: <https://www.business-humanrights.org/es/blog/new-buzzword-same-problem-how-worker-voice-initiatives-are-perpetuating-the-shortcomings-of-traditional-social-auditing/>



unions and civil-society organizations, political engagement, and international solidarity) advanced worker voice in workplaces, politics, and society in Brazil, the Philippines, South Africa, and South Korea (Moody 1997). Strikes began rising in the late 2010s, and, while rates are below levels in mid-20<sup>th</sup> century, workers have increasingly worked with the broader public in collective actions (Cornell n.d.; Kochan et al. 2022). Unions have advanced multi-level bargaining with multinational corporations and their suppliers (Siegmann, Merk, and Knorringa 2017; Brookes 2019; Brookes and Kinzel 2019). For a decade, worker movements have strengthened such agreements' enforcement mechanisms that include worker voice at the highest levels of governance and entail commitments to increase value distribution (Blasi and Bair 2019; Donaghey and Reinecke 2018; Pike 2020).

Unions have revitalized at multiple levels. Community-networked worker organizing has advanced protections of worker rights and voice in cities (Frank and Wong 2004) and internationally (Quan 2000), in cases leading to the creation of tripartite councils to set minimum standards in industries that present robust difficulties to union collective bargaining (Jacobs 2022). Unions have negotiated national neutrality or recognition agreements, in which company signatories commit to recognize a union as the bargaining representative of workers it employs and not take actions to avoid collective bargaining with the union (Kochan et al. 2022), albeit with less success internationally (Müller et al. 2008). Rank-and-file efforts have increased workers' bargaining power and voice by democratizing existing unions (Parker 1998; Rachleff 2001; Sharpe 2004; Levi et al. 2009; Ferreras et al. 2022; Sneiderman and Lerner 2023) and creating new unions (Hermanson 2022; Fischer-Daly 2023). For example, workers formed the union *Familias Unidas por la Justicia* (FUJ) [Families United for Justice] and negotiated an otherwise rare collective bargaining agreement in U.S. agriculture, in the 2010s (Bacon 2016; Fischer-Daly 2023), and workers established the Amazon Labor Union, the first union at an Amazon distribution center, in 2022 (Press 2022).

Women of color have led union revitalization through efforts to democratize their workplaces and unions (Healy et al. 2014; Windham 2017). Minority unions, which represent less than a majority of workers at a given workplace or company, are supporting worker voice despite legal restrictions (Rae 2021). Such unions, the ILO emphasizes, are a component of workers' rights to voice (ILO 2022: 53). Workers have established union collective bargaining in sectors where work has not been recognized or valued, including domestic workers (Goldsmith 2016). Many self-employed workers' strategies have increased total women union density (Goldsmith 2016; ILO 2022). In multiple countries, revitalized and new unions have advanced laws enhancing worker rights (Bensusán 2020; ILO 2022b, 2023).

Worker centers have responded to impediments to union collective bargaining by providing essential services, including legal representation. They organize dispersed and marginalized workers and advocate for legal worker protections and their enforcement, although scholars of worker centers have also flagged a tension between the centers' reliance on philanthropic funding and their sustainability and support for workers' collective action (Fine 2005; Fine, Narro, and Barnes 2018; Kochan et al. 2022: 6). Worker center-union collaborations (Fine 2007, 2011; Ford 2019) and organizations with characteristics of both—most prominently the Self-

Employed Women’s Association (SEWA)—have successfully supported worker voice (Tilly, Agarwala, Mosoetsa, Ngai, Salas, and Sheikh 2013). New organizing has also driven more inclusive labor movements, including for informal sector workers (Agarwala 2014).

Worker organizations adjacent to unions have emerged in various forms. Many address intersectional forms of domination and ecosystem degradation, such as the Landless People’s Movement (*Movimento Dos Trabalhadores Rurais Sem Terra*, MST), Black Lives Matter, Trade Unions for Energy Democracy, Sunrise Movement, WILL Empower, and as migrant workers at workplaces, new and heritage communities (Rivera Salgado 2015). Training workers to know their rights and raise consciousness of their contexts has enabled worker collectives across industries and countries (Sciacchitano 2000; Reynolds 2021; IDWF 2022; WILL Empower n.d.).

“Worker-led research” is another strategy contributing to worker voice and may be understood as social inquiry in which workers participate in the research design, data gathering, and analysis processes (Anner 2022). Methods of inquiry into social questions prioritizing the participation of workers have a long history spanning diverse contexts (Delp, Outman-Krame, Schurman, Wong 2002). Worker-researcher collaborations have been found to increase attention to social needs, better explain complex dynamics, and contribute more widely meaningful outcomes (Lang et al. 2012; Simon and Schiemer 2015). While participatory methodologies are often scarcely used (Rathgens, Gröschner, and Wehrden 2020), worker-led research is viewed as “transformational” and a “crucial intervention point for addressing the complexities and uncertain futures” (Rathgens et al. 2020: 9; Wiek and Lang 2016; Schoon and Cox 2018).

## A framework for understanding worker voice in the contemporary global economy

The literature on worker voice points to characteristics of effective mechanisms, those that support worker voice. An ideal type of worker voice mechanism is collective, democratic, inclusive, protected, empowered, and enabled.<sup>8</sup>

Effective worker voice is collective action, because individuals lack capacity to change terms and conditions of employment, especially those related to distribution of value, as observed by the Webbs (1896, 1897, 1901) and found in contemporary HRM studies (Batt et al. 2002; Morell and Wilkinson 2002; Charlwood and Pollert 2014). Collective refers to the capacity of workers to improve their livelihoods when acting together, a capacity that does not exist for most individual workers (Webb and Webb 1897; Webb 1901; Katz 1993). Collective action means that workers’ demands for change, the risks they assume in taking action, and the changes

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<sup>8</sup> For an initial iteration of this framework, see Anner (2017), “Wildcat strikes and Better Work bipartite committees in Vietnam: Toward an elect, represent, protect and empower framework.” Discussion Paper 24. Geneva, International Labour Organization and International Finance Corporation. [https://betterwork.org/wp-content/uploads/2020/01/DP-24-Anner-Strikes-Vietnam\\_proofread-FINAL-31.05.2017.pdf](https://betterwork.org/wp-content/uploads/2020/01/DP-24-Anner-Strikes-Vietnam_proofread-FINAL-31.05.2017.pdf)

achieved through them affect all represented workers, in contrast to individual voice mechanisms. When individual workers participate in committees formed for management to consult them, they are unable to know, let alone represent, the interests of the workers at the facility as a group (Anner 2017).

Effective worker voice is democratic, because a collective must coordinate individuals to represent group interests (Webb and Webb 1896; Ross 1948; Strauss 1991), which requires independence from employers and the states (Bensusán and Middlebrook 2013). Many scholars have emphasized that democratic practice supports improving terms and conditions of employment (Strauss 1991; Parker 1998; Sciacchitano 2000; Rachleff 2001; Gumbrell McCormick and Hyman 2019; Pitkin 2022; Fischer-Daly 2023). An example of the importance of democracy is evinced by employer-protection unions and deterioration in working conditions in Mexico from the 1980s through the 2010s (Bensusán and Middlebrook 2013).<sup>9</sup> Additionally, democratic distinguishes effective worker voice from management-led and joint manager-worker committees in which management maintains unilateral control (Anner 2017).

Inclusive means that no worker is excluded from the exercise of worker voice. Effective worker voice is inclusive because workers need to practice the values foundational to the world they seek to build (Dillahunt in Roediger et al. 1996; Pitkin 2022). The importance of inclusiveness is highlighted by studies documenting the co-construction of modern employment and racialized hierarchy (DuBois 1935; Robinson 2008), intersectional exclusion of African American women from justice (Crenshaw 1991), racial exclusion within unions (Roediger et al. 2001; Fletcher and Gapsin 2008), and blind spots in industrial relations scholarship to the interactions of class, gender, and race (Lee and Tapia 2021). Furthermore, studies of dualization of labor markets into those with and those without union representation emphasize the risks of exercising worker voice for an exclusive group of workers (Rueda 2005; 2014).

Protected means that workers exercising voice do not face physical violence, loss of employment, deportation, and other forms of retaliation. Such retaliation is common throughout the contemporary world of work (Anner 2015; Appelbaum and Lichtenstein 2016; Fischer-Daly 2023). This makes protection essential to effective worker voice. From several scholars' perspective, governments' *de jure* and *de facto* protection of private property rights creates a duty to protect workers' rights to fair treatment. In policy and practice, governments protect capital's right to profit (Harvey 2003; Panitch and Gindin 2013; Appelbaum and Lichtenstein 2016). Without protections of collective workers voice, companies have outsize influence over governments, and therefore on society (Howell 2021). Hence, the ILO and labor law scholars conclude that governments have a duty to protect worker voice (Compa 2000).

Empowered means that workers have and are able to use sources of leverage. These include strikes, boycotts, and other means of disrupting capital accumulation processes—what some

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<sup>9</sup> Employer-protection unions refer to unions that sign collective employment contracts with employers in order to prevent workers from collectively negotiating a contract with the employer, a practice that has characterized many workplaces in Mexico since the 1980s (see Bensusán 2006).

scholars refer to as “structural power” (Wright 2000; Silver 2003; Piven 2008)—and are a primary determinant of bargaining power (Katz, Kochan, and Colvin 2017). Without leverage, worker voice mechanisms limited to consultation are insufficient for change (Serrano 2016; Anner 2017; Gomez et al. 2019).

Enabled refers to workers having the time, space, training, and access to information needed to improve the terms and conditions of work. Effective worker voice is enabled, because the task of representing workers’ interests requires the tools for the job, including information, time, and physical facilities (Addison et al. 2001).

### *Relevant literature on case studies that inform the framework of worker voice*

Several cases of efforts to exercise worker voice offer insights into the definition of the concept and how to evaluate effective mechanisms of worker voice. None are best cases in the sense of replicable practices, because the exercise of worker voice is contingent on continuously varying economic, political, and social conditions across place and time. To evaluate them, an analytical framework involves studying the environment in which the mechanism is implemented, how the mechanism functions, and the outcomes of its use.

### *Enforceable brand agreements (EBAs)*

Enforceable brand agreements (EBAs) are co-governed, negotiated agreements between labor and employers that are legally binding on the parties. They respond to interrelated challenges to worker voice in the contemporary international political economy. Firm network organization separates supplier and buyer firms in supply chains, obscuring buyer firms from workers and legal liability for employment practices influenced by their purchasing practices (Weil 2014; Anner 2017). National states limit labor law enforcement to direct employers, creating impunity for lead firms despite consensus that multinational corporations (MNCs) have responsibilities to prevent workers’ rights abuses and mitigate impacts when their decisions contribute to them, as expressed in the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and United Nations Guiding Principles on Business and Human Rights (Appelbaum and Lichtenstein 2016). National governments under-enforce international labor standards to compete for investment (Panitch and Gindin 2013; Howell 2021). Under these conditions, workers at suppliers to MNCs face retaliation and violence when exercising voice, and governments with jurisdiction over the suppliers and MNCs do not hold the suppliers and MNCs to account for violations of workers’ rights to freedom of association and collective bargaining (Anner 2015; Lichtenstein et al. 2016).

EBAs are a form of multiparty bargaining responses to the legal vacuum created by global supply chains. Under EBAs, positive and negative actions (increasing or decreasing market access) aim to shift employers’ interests, an independent third-party determines compliance under oversight by agreement signatories, lead firms fund improvements, and direct

employment or joint liability replaces outsourcing (Blasi and Blair 2019). According to Blasi and Bair, among the four characteristics of effective multiparty bargaining agreements are “co-governance structures in which labour and industry jointly oversee independent verification programs and robust dispute resolution systems to resolve disagreements, such as final and binding arbitration enforceable in courts of law” (Ibid: 6). That is, worker voice expresses itself through the administration of such agreement together with brand representatives. Worker voice is empowered through binding arbitration. Also fundamental to EBAs are grievance mechanisms through which workers are protected and empowered to seek remedy for worker rights violations. EBAs often include robust training programs that give workers the tools they need to effectively participate, thus enabling effective worker voice.

EBAs contrast with voluntary corporate social responsibility programs (CSR) (Anner, Bair, and Blasi 2013; Donaghey and Reinecke 2018). Under the EBA model, workers organizations negotiate and co-govern binding, enforceable agreements regulating the policies and practices of suppliers and buyers, including procedures for monitoring, remediation of violations of the agreement, and arbitration to resolve disputes (Vanpeperstraete 2021). Since 2013, EBAs have been effectively implemented in Bangladesh—the Accord on Fire and Building Safety in Bangladesh (Bangladesh Accord 2018), Honduras—CGT unions and Fruit of the Loom (Anner 2022), Lesotho—Agreements to Combat Gender-based Violence in Lesotho’s Garment Industry (Pike 2020; WRC n.d.), Pakistan—International Accord for Health and Safety in the Textile and Garment Industry (International Accord 2023), and India—Dindigul Agreement to Eliminate Gender-Based Violence and Harassment (Asia Floor Wage Alliance, GLJ-ILRF, TTCU 2022). The agreements demonstrate worker voice as a meta-mechanism enabling improvements in health and safety, job security, and freedom from intersectional discrimination and gender-based violence. The variation in environments emerges in the different focus of each EBA. The circumscribed scope of each further illustrates the challenges for establishing worker voice that is empowered, enabled, protected, collective, democratic, and inclusive.

### *Plurilateral trade and investment treaties and trade union organizing*

The Rapid Response Labor Mechanism (RRLM) in the United States Mexico Canada Agreement (USMCA) is the first mechanism in an international trade and investment treaty that applies sanctions to individual facilities and, through them, their parent company, as leverage to remediate violations of freedom of association and collective bargaining rights. The USMCA Dispute Settlement Chapter (31) includes the United States-Mexico Facility-Specific Rapid Response Labor Mechanism (Annex 31-A).<sup>10</sup> The Annex specifies, “The Mechanism shall apply whenever a Party (the “complainant Party”) has a good faith basis belief that workers at a *Covered Facility* are being denied the right of free association and collective bargaining [...]” (Chapter 31, Annex 31-A.2, emphasis ours). It continues, “If the respondent Party chooses to conduct its review, it shall report in writing the results of the review and any remediation to the

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<sup>10</sup> The Annex only applies to Mexico and the United States. A separate Annex establishes a similar agreement between Mexico and Canada. For the full text of the Dispute Settlement Chapter, see: <https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/31%20Dispute%20Settlement.pdf>

complainant Party at the end of the 45-day period” (Ibid, Article 31-A.4.4). Importantly, any interested party, including trade unions that are representative of workers at a covered facility, may submit labor chapter and Rapid Response petitions indicating a facility is not in compliance with its labor obligations under the USMCA. Thus, worker voice is a fundamental part of the trade agreement, which has been effectively leveraged in several emblematic cases (as illustrated in the RRLM case study in this project’s final report).

Worker voice is empowered through the RRLM because it allows the US government to suspend the trade rights of individual companies operating in Mexico upon finding merit in worker complaints of the company’s interference in their freedom of association and collective bargaining rights. This includes denial of preferential tariff rates followed by denied entry of a firm’s products or services (Polaski 2022). The RRLM increases access to justice (Vogt 2021), providing leverage for workers attempting to organize and bargain in Mexico (Hermanson 2022).

The RRLM is not without its limitations. While it creates leverage for many workers, others are excluded, and its implementation depends on coordination between multiple levels of multiple states with overlapping and different interests, and in Mexico, implementation of a new mandate of the judiciary to oversee labor relations (Morales Ramírez 2021). The RRLM provides legitimacy to the Mexican government as well as the US as states seeking to defend workers’ rights. The RRLM is also restricted to workers in prioritized export sectors, services, mining, and a subset of manufacturing in Mexico.<sup>11</sup> Application of the RRLM is not equal across countries. USMCA indicates: “With respect to the United States, a claim can be brought only with respect to an alleged Denial of Rights owed to workers at a covered facility under an enforced order of the National Labor Relations Board.” (USMCA Annex 31-A: footnote 2). Furthermore, the RRLM is supported by national labor law reforms in Mexico and inclusion of labor standards in the USMCA, and all are being implemented without addressing pressures on worker voice of low-cost, export-oriented development models (Ocampo Merlo 2022).

The RRLM is a case of a state-led mechanism that contributes to worker voice created politically and in the context of countervailing forces. Negotiations established the RRLM following worker collective pressure on the US and Mexican governments to regulate the use of employer-protection contracts, which are contracts signed by employers with complicit “official” unions to prevent collective bargaining with democratic worker unions (Bensusán 2020).<sup>12</sup>

### *Trade unions, worker centers, and political advocacy in agriculture*

Worker voice mechanisms differ according to the contexts in which they are designed and implemented; they are also shaped by actor strategies and interests. Demonstrating the

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<sup>11</sup> “For greater certainty [on priority sectors within manufacturing], manufactured goods include, but are not limited to, aerospace products and components, autos and auto parts, cosmetic products, industrial baked goods, steel and aluminum, glass, pottery, plastic, forgings, and cement” (USMCA, Annex 31-A, Footnote 4).

<sup>12</sup> Use of employer-protection contracts contributed to a 70 percent decline in real wages for workers in Mexico since the 1980s (Bensusán and Middlebrook 2013: 50), thereby suppressing wages throughout North America.

conjunctural difference, in the United States commercial agriculture sector, the United Farm Workers has primarily advocated for statewide laws while also pursuing collective bargaining in California, the Coalition of Immokalee Workers established itself as a worker center and the Fair Food Program as an enforceable agreement with buyers in the Southeast, and Familias Unidas por la Justicia established collective bargaining with an employer in Washington State.

The three workers collectives are all seeking to establish worker voice in a sector underpinned by super-exploitation internationally. One third of workers worldwide work in agriculture, and most of them live with poverty-level incomes and endure dangerous work (FAO 2016, 2018; World Bank 2019). The exclusion of agriculture from national labor laws contributes to persistent super-exploitation in the sector (FAO 2018). As the ILO (2008) reported, “in a number of cases, they [agricultural workers] are explicitly excluded, either fully or partially, from the relevant laws, or, when they are covered under the law, they are excluded from protection in practice.” The exclusions persist 100 years after tripartite adoption of ILO Convention 11 “Right of Association (Agriculture) (IUF and GLJ-ILRF 2021), under which member states are advised “to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture” (ILO C11: Article 1).

In part, the legal exclusion of agricultural workers from effective worker voice mechanisms is the response of states that depend on capital accumulation and food access for legitimacy to the impediments to profitably investing in agriculture (McMichael 2019; Fischer-Daly 2023). Nature is in control, determining production cycles and thus delaying returns on investment in time-saving technologies, capital lies stagnant between planting and harvesting, increasing labor power is limited by risks of destroying crops, weather and pests limit production predictability, production is geographically limited to crop-conducive conditions, and products spoilage complicates delivery to market (Mann and Dickinson 1978). Profitability from food production is further limited by the network organization of firms in the sector, in which monopolistic power of input suppliers and monopsonistic power of buyers squeeze capital out of production and labor (Fischer-Daly 2023). Political support to mitigate these profit impediments reflects the necessity of food; its shortage often both results in and contributes to political contestation (Davis 2002; Hossain 2017). In addition to political support, commercial agriculture, agribusiness, has deployed constructed gender, racial, and nationality differences to differentiate the rights of workers employed.

Agribusiness in the United States is an example. The National Labor Relations Act excludes agriculture, denying workers’ voice through collective bargaining rights protection and reflecting the use of racialized and gendered hierarchy in the sector (Perea 2011). Concentration has increased to the level that four companies control more than 40 percent of sales (USDA ERS 2021). Average worker incomes were less than \$25,000, wage rates were less than 60 percent of non-agricultural rates, a third of households lived below the poverty line, most relied on public assistance, most lacked healthcare, one-third reported chronic pesticide-exposure symptoms in the 2010s (Holmes 2013; US Department of Labor 2018). Within US agribusiness, variation within the industry as it has reorganized into retail-led supply chains and

sub-national variation in political and social orientations to workers and people of diverse cultural heritages manifest in the distinct approaches of the UFW, CIW, and FUJ in their responses to worker voice deficits (Fischer-Daly 2021).

*“Transnational labor rights corridors” for migrant workers in Central and North America*

Workers migrating between Central and North America and their allies have organized “transnational labor rights corridors,” networks of worker associations and centers supporting workers’ to exercise voice at work and through policymaking, during the first decades of the 21<sup>st</sup> century. These migrant worker networks respond to legal regimes that reduce workers’ ability to exercise voice.

The ILO reports that 169 million people are migrant workers, representing 5% of the global work force, that migrant workers often work without job security and legal protections, and that women migrant workers tend to be employed in the lowest-paying jobs (ILOSTAT n.d.). Studies have long found that employment of migrant labor externalizes labor reproduction costs beyond the employer, in contexts as different as South African and the United States (Burawoy 1976). As Jennifer Gordon (2007) observed, contemporary organization of global supply chains (GSCs) has also involved organization of “human supply chains.” Most commonly, firms in wealthier, “Global North” countries have relied on immigrant workers as a source of cheap labor in sectors that are less mobile, such as agriculture, construction, healthcare, and hospitality (Sassen 1991; Massey et al. 2002; Wills et al. 2010; Anderson and Rush 2012). Increasingly, firms located in “Global South” countries and integrated in GSCs are employing migrant workers to gain flexibility that enhances their competitiveness and responsiveness to fluctuating demands of lead firms (Gordon 2022).

Legal immigration regimes create risks of deportation for migrant workers who quit or are fired, thereby reducing migrant workers’ rationale for exercising voice (Gordon 2022). Migrant workers include undocumented migrants, who migrate across borders without official permission from the destination government, and visa-holding migrants, who have official permission for varying periods of time and with varied scope, some permitting employment for any employer for extended periods of time, such as the US government’s Permanent Resident Card (“green card”) and others permitting employment only for the employer to whom the visa is attached for defined period, as in the US H2A and H2B programs. The recruitment and transit processes often result in migrant workers incurring substantial debts to individuals and organizations (Farmworker Justice 2011). At the workplace, the deportation threat and attendant risks of workplace abuses affect both groups, with undocumented migrant workers threatened with deportation and temporary visa-holding migrant workers threatened with the loss of their job and thus legal status and loss of future employment in the destination country (Montes de Oca 2021).

Migrant workers and labor advocates have developed network they refer to as “transnational labor rights corridors” in North American, deliberately since the early 2010s. Among the organizations involved are the National Day Laborer Organizing Network (NDLON) in the United



States, Project for Economic, Social, and Cultural Rights (PRODESC) and Coalition of Migrant, Temporary Workers of Sinaloa in Mexico, and Center for Migrant Integration (CIMITRA) in El Salvador. These organizations coordinate support for migrant workers to understand and exercise their rights in their interactions with government agencies and employers (PRODESC n.d.). Additionally, each organization advocates for government policies that would reduce risks of abuses and contribute to migrant workers' exercising voice. The networks represent transnational worker organizing and offer lessons for understanding how migrant workers can improve the terms and conditions of their participation in international labor markets and individual workplaces.

### *Worker voice and authoritarian regimes*

Authoritarian regimes' fundamental concern with maintenance of unitary control tends to suppress worker voice due to the nexus between the exercise of democracy in the governance of work and in society more broadly. Yet large numbers of workers live under regimes characterized by varying degrees of authoritarianism, from single party-state restriction of unionization to a single, state-dominated union in China and Vietnam to the ongoing struggle by the military regime to bring society into submission in Myanmar. Since the military overthrew the democratically elected government in Myanmar in February 2021, workers have demonstrated the interdependency of industrial and political democracy, offering lessons for how workers improve their livelihoods under authoritarian regimes.

Workers have asserted their voice at multiple levels in the two years following the 2021 *coup d'état* in Myanmar. Trade unions deregistered by the military regime formed the Myanmar Labour Alliance (MLA) and the General Strike Coordination Body. The union formations have collective voice in the National Unity Consultative Council (NUCC) along organizations of women, youth, ethnic communities resisting the military forces, and other civil-society organizations. They also have voice in the International Trade Union Confederation (ITUC) and global union federations such as IndustriAll. To assert leverage over the military regime, the unions have used voice mechanisms through several international fora to call for comprehensive economic sanctions against the regime in Myanmar. For example, IndustriAll listened to the position of MLA (which includes several IndustriALL member organizations) and backed the MLA's call for sanctions. The MLA has persuasively argued that effective worker voice within Myanmar is not possible because workers fear for their physical safety if they speak up. Due to the outspoken position of the MLA and its allies, several important brands have left Myanmar. Yet many other multinational corporations continue to conduct business and claim to be conducting "enhanced due diligence" of human rights risks (ETI 2022; FATF 2022).

The case of workers' struggle against the military regime in Myanmar informs understanding of how workers can exercise their voice within international organizations and fora to collectively advance democracy at multiple levels of society, from workplaces to the national government and in internationally organized industries. It also highlights impediments, some of which have parallels in recent history. As part of their struggle against apartheid, trade unions in South

Africa called for a boycott, and multinational corporations rejected the demand and continued business. The MNCs adopted a set of corporate social responsibility principles that they called the “Sullivan Principles,” despite requests by their namesake, Reverend Leon Sullivan, to heed the union’s call for a boycott (Seidman 1994).

### *Worker voice in domestic work*

Domestic workers represent 4.5% of all workers, and 81% are informally employed, reports the ILO (2023b). Domestic work entails an “array of activities and relationships involved in maintaining people both on a daily basis and intergenerationally” (Glenn 1992), including housecleaning, food preparation, and care for young, sick, and elderly people. As more people have participated in wage work, more domestic work has been mediated by the market (*Ibid*). However, as the ILO data on informal domestic work being the norm suggests, legal protections of domestic workers’ exercise of voice is widely absent. Domestic and other informal workers have directed demands to governments and international organizations to gain recognition of their rights as workers and thereby demand improvements to the terms and conditions of their employment (Agarwala 2008). Internationally, domestic workers have achieved recognition by successfully advocating for the establishment of the ILO Convention Concerning Decent Work for Domestic Workers (No. 189) in 2011.

Domestic workers’ strategies for exercising voice varies, reflecting distinct histories of feminist social and political movements, a pattern evident in Latin America. As an ideal type, a national union and employers organization negotiate collective agreements covering domestic work nationwide in Uruguay (Banco de Previsión Social 2019). Uruguay’s establishment of this sectoral bargaining reflects the history of its feminist movement, which included women who employ domestic workers, and the support of a Broad Front government with a social justice orientation (Goldsmith 2017). In Argentina, the domestic workers’ union has worked with national governments, reflecting the corporatist model of the Peronist party, according to an International Domestic Workers Federation (IDWF) representative (authors interview 2023).

According to a survey of Latin America by an IDWF representative, history informs domestic workers unions in the region (authors interview 2023). The Brazilian National Federation of Domestic Workers is one of the oldest unions in the region and applies an intersectional approach, demanding civil and economic rights and reflecting the interconnected histories of racial and gender-based violence in the country. In Chile, indigenous women lead the domestic workers’ movement, reflecting ongoing decolonization struggles, and have established high levels of registration of domestic workers in the national social security system. Domestic workers in Peru successfully advocated for the government to ratify ILO C. 189 and are seeking to advance their rights with a new, supportive government. Meanwhile, domestic workers in the Dominican Republic have faced resistance of employers, the government, and national unions to their demands for recognition of their rights as workers.

The diversity of approaches by domestic workers in Latin America reflects the multiple strategies used by informal workers throughout the world. These include collective bargaining

with employers and state actors, market development, and advocacy to access to social protections (Tilly et al. 2013). Furthermore, domestic workers in Latin America provide an example of workers' training to reproduce their collective organization and capacities to exercise voice (IDWF 2022).

### *Worker voice and ending child labor and forced labor*

The ILO estimates that 160 million children are involved in child labor and 27.6 million people are in forced labor (ILO 2020b; ILO, Walk Free, and IOM 2022). The ILO (n.d.) defines child labor as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.” Child labor occurs when children trade their future potential for short-term gains. Child labor is not when children engage in light work or household chores, rather it occurs when children are unable to attend school or develop future skills due to the number of hours and / or type of work they engage in. Forced labor is “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily,” as stated in the ILO Forced Labour Convention (No. 29).

Combative measures against child labor and forced labor such as enforcement of labor laws, removal of child worker, and punishing direct employers may occur in some cases, but these do not necessarily tackle root causes such as poverty, which instead requires comprehensive social protection measures. The two work in partnership because the lack of enforcement of labor standards coupled with a lack of viable, accessible social protection measures for the vulnerable are central to prevalence of child labor (ILO 2022d). For example, national states can create the “conditions in which unfree labor can flourish,” including immigration policies that limit labor mobility, labor policies that do not support union collective bargaining, and permission of private regulation (LeBaron and Phillips 2019). Private regulations, particularly corporate social responsibility commitments against child and forced labor, lack enforcement mechanisms and disregard workers' involvement in creating conditions of work, argue Elena Shih, Jennifer Rosenbaum, and Penelope Kyritsis (2021).

As exemplified by the US Department of Labour \$5million cooperative agreements on worker voice in Brazil and Paraguay (US DoL 2023), and the MyVoice project in Malaysia (SAI 2022), there is interest in harnessing the potential of worker voice to improve terms and conditions of employment and support the eradication of child and forced labor). A review of US Department of Labor Office of Child Labor, Forced Labor, and Human Trafficking projects from 2014-2018 recommended “addressing the limited employment of working people and their communities” and consideration of “infringements of other human rights at work (including non-discrimination, freedom of association, and collective bargaining)” (Impaq 2019: 6). Genevieve LeBaron's (2020) extensive study of sectors with prevalent child and forced labor highlights the multifaceted ways in which business strategies contribute to the root causes of these rights violations. Adults who are paid very little cannot earn enough to meet their family's needs. This evidence further buttresses the need to support workers' exercise of voice via collective bargaining rights and other action to address such unfair pricing and coercive labor practices.

### *Worker voice in digital platform-mediated employment*

Estimates of the share of workers in digital platform-mediated employment vary from 1% to 16% of adults in the United States to 3-17% of workers in Europe (Dale and Haag 2022). The work may involve platform design, provision of professional services via systems such as Up Work, micro-tasking in which dispersed clients and workers connect online through systems such as Amazon Mechanical Turk, offline work on-demand via apps such as ride hailing and food delivery, and artistic presentations via social media (Vallas and Schor 2020). Scholars identify many similarities with other employment modalities (De Stefano 2016; ILO 2021), leading one study to conclude that platform-mediated employment is a subset of “non-standard employment” (Wood et al. 2022). Platform-mediated employment is also characterized by highly dispersed and isolated workers, use of algorithms to control the labor process, and use of clients to control labor (e.g. through ratings systems) (Gandini 2019; Vallas and Schor 2020; ILO 2021; Maffie 2022b). Furthermore, most workers employed via digital platforms are excluded from laws protecting freedom of association and collective bargaining rights (Johnston and Land-Kazlauskas 2018; ILO 2021; Hadwiger 2022). With widely varying regulations at the national and sub-national levels (ILO 2021), conditions have been found to include short-term work, low autonomy, high surveillance, externalization of capital costs to workers, lack of dispute resolution processes, low remuneration, and lack of social protections (Johnston and Land-Kazlauskas 2018; ILO 2021; Maffie 2022a; Dale and Haag 2022).

Workers have engaged in collective action to improve terms and conditions of platform-mediated employment. Strategies by worker collectives have included legal advocacy for regulation that supports exercise of collective bargaining rights, provision of mutual aid including legal representation, and collective bargaining (Johnston and Land-Kazlauskas 2018). Workers have also conducted strikes, including collective log-offs (Hadwiger 2022), and might form alliances with users of digital platforms (Cruz and Gameiro 2022). Thus far, in organizing, these workers have often used social networking sites and individual actions that may be best understood as “everyday practices of resilience, reworking, and resistance” (Anwar and Graham 2020; Maffie 2022c). Workers’ strategy may reflect existing support and traditions of activism in their respective communities, as found in a comparative study across countries in Africa, the Americas, Asia, and Europe (Cini 2021).

### *Worker-driven research*

Worker participation in studying phenomena affecting them has a long tradition in diverse contexts. In *Pedagogy of the Oppressed*, Paulo Freire advanced the idea that people engaging in collective analysis of their lives and the power relations involved is fundamental to effective action, thereby advocating a dialectic of theory and practice. Freire’s approach has informed workers’ movements worldwide, most prominently the Landless Workers’ Movement in Brazil. In the United States, the Highlander Research and Education Center encouraged a fusion of labor education and organizing (Delp et al. 2002). In recent decades, participatory research has

formed part of workers' strategies to improve their livelihoods in diverse contexts, from Las Vegas in the United States to Tamil Nadu in India (Delp et al. 2002; The Tricontinental 2022). Participatory approaches have also been developed to evaluate technical assistance programs, including those that aim to contribute to worker voice (Zukoski and Luluquisen 2002; Guijt 2014).

Participatory methodologies in the study of worker voice in global supply chains are recent. In a study of collective bargaining in the apparel industry in Honduras, Mark Anner (2022) worked with local worker/unionists to develop a "worker-driven research" approach. The method meant that workers participated in the research design, data gathering, and analysis of findings. Workers formed teams and conducted the research under the guidance of the lead researcher, together working out survey instruments, piloting a survey, conducting the full survey, and collectively analyzing the survey results. The worker-driven research methodology is a mechanism for enabling workers' voice, by equipping workers with tools to study the power relationships affecting their livelihoods.

## Conclusion

This extensive literature on worker voice leads to the conclusion that it refers to action by and for workers to improve their terms and conditions of employment and is effective when collective, democratic, inclusive, protected, empowered, and enabled. The exit-voice-loyalty framework conceptualized worker voice made possible through union collective bargaining as the alternative to seeking other employment or enduring poor working conditions. This model thus applied a new term to a long-studied phenomenon, how workers represent their interests in relations with employers and governments. The phrase worker voice, however, gained wider usage in a conjuncture of increasing managerial bargaining power, which contributed to its use to describe communications between individual workers and employers, often sought by the employer to enhance productivity. This use of the term is limited primarily to Anglophone countries. Internationally, studies of the phenomenon of how workers improve terms and conditions of employment tend to refer to international standards of freedom of association and collective bargaining rights rather than the metaphoric phrase "worker voice." With important exceptions, led by the ILO 2022 report on collective bargaining, studies of this understanding of worker voice as a means of interest representation continue to be most common in select industries North America and Europe. Case studies of worker voice mechanisms in less studied locations and industries provide an opportunity to explore the characteristics of effective worker voice suggested by the extant literature. In this literature review, we briefly illustrated the use of collective worker voice in several emblematic cases. The effectiveness of those cases is explored in a report commissioned by the USDOL that will complement this literature review.

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