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Trade Union Participation in CSR Deliberation: An Evaluation

1) Introduction

Holding contemporary corporations to account for their social and environmental impacts presents increasingly complex problems, as recent examples of corporate irresponsibility demonstrate (e.g. the Volkswagen emissions scandal, Deep Water Horizon, Rana Plaza Collapse) (see The Guardian, 2015; Barron, 2012; Reinecke and Donaghey, 2015). The geographic scope, technological uncertainty, and multiple layers of governance associated with many social and environmental issues make attributing and enforcing accountability extremely challenging (Ramasastry, 2015). Such challenges present particular problems for government regulatory agencies whose role in defining and enforcing appropriate business conduct has been fundamentally undermined by the growth of global economic transactions that are often conducted beyond the legislative ambit of the nation state, so that the nation state ceases to be the 'legal and moral point of reference' (Scherer and Palazzo 2011: 905). Difficulties in regulating responsible conduct are especially profound in relation to multi-national companies (MNCs), which have been subject to particular scrutiny in relation to their global social responsibilities (Baumann-Pauly et al, 2013). In response, there has been an increase in the range of business and civil-society led approaches towards improving social responsibility including self-regulatory, partnership and collaborative approaches (Campbell, 2007). The growth of these phenomena raises significant questions regarding the composition, organisation, and effectiveness of alternatives to formal regulation, and of the potential and limits to such approaches to holding large, multi-national companies to account.

The concept of political Corporate Social Responsibility (CSR), developed by Scherer and Palazzo (2007; 2011), provides a locus for the argument we present in this paper. Political CSR is proposed in response to the view that the nation state is no longer a sufficient creator and enforcer of the 'rules of the game' by which businesses must play. The MNC ensures that CSR is now a global phenomenon. It is the MNC that is well placed to contribute to CSR because 'involvement of private and public actors may help to better consider the involved interests, to combine the best available knowledge and resources, and to enhance the capacity to enforce standards or to implement policies' (Scherer and Palazzo 2011: 910). The incorporation of corporations into the processes through which socially appropriate business conduct is determined also addresses the difficulty of enforcing 'hard law', because MNCs are likely to be inclined to participate in and adhere to outcomes so as to demonstrate their moral legitimacy in a climate where both cognitive and pragmatic legitimacy have diminished (ibid: 916). Significantly, moral legitimacy is demonstrable in the extent to which decision-making is based on discourse so that policy is the product of 'forceless force of the better argument' (ibid: 916).

Central to political CSR is the participation of actors with the capacity and moral authority to hold business to account in processes of deliberation. While discursive resources are of primary importance within deliberative processes, there is some recognition that moral legitimacy might be insufficient to ensure that deliberative outcomes are held to in practice. For example, in their discussion of the moral legitimacy of the non-governmental organisation (NGO) as a deliberative partner in political CSR, Baur and Palazzo (2011: 592) acknowledge that the NGO must occasionally resort to using 'more common weapons of the political area if they encounter unfavourable circumstances such as hostility of powerful

actors'. We argue that the ability to effectively use 'non-discursive methods' in the face of resistance from powerful MNCs (i.e., the efficacy of partners in deliberative processes) does not necessarily undermine the legitimacy of such partners in deliberation. Specifically, we propose that political CSR requires of the firm that it engages in deliberation with both a *legitimate* and *effective* deliberative partner. Therefore, an important contribution of this paper is the distinction that is made between the legitimacy and the efficacy of the deliberative partner(s) that engage with the firm in the deliberative processes that generate political CSR. The process of deliberation between firm and its deliberative partners in relation to political CSR provides the point of departure in this paper as we critically evaluate the potential role of trade unions in relation to deliberative processes that encourage more responsible business conduct.

The role played by trade unions in CSR is an area of study that is underdeveloped and whilst there are welcome related contributions, these are largely exploratory and empirical in character (see Preuss et al., 2015). For example, research concerned with CSR and unions has: explored union and other stakeholder perceptions of how unions might contribute to CSR (Delbard, 2011); considered the way in which union involvement has shaped business responses to various issues with mixed results (Egels-Zandén and Hyllman, 2006; Fredricksson and Gaston, 1999; Rassier 2006); and set out a manifesto for future research on union contributions to CSR (Preuss et al., 2006; Preuss et al., 2009). A major gap in research on trade unions and CSR is the absence of nuanced conceptualisations both of the *potential* for and *limitations* of union involvement in CSR. In response, we conceptualise the potential role of unions in CSR through the lens of deliberative democracy.

2. Deliberative Democracy as a Foundation for Political CSR

For some time now, scholars have questioned the *appetite*, if not the *ability*, of certain countries to 'tame the activities of MNCs', for example, through the introduction of 'legal measures that may inhibit corporate investment or may cause MNCs to relocate to more hospitable countries' (Shamir 2004: 637; see also Graham and Woods 2006). Moreover, scholars have pointed to the inadequacy of national institutions and regulations to deal with the scale and growth of cross-border economic transaction and movement leading to 'governance gaps' (Marginson 2016: 1035; see also, Voegtlin and Pless 2014). In sum, the 'law and the state apparatus are insufficient means for the integration of business activities with societal concerns' (Scherer and Palazzo, 2007: 1101) and that 'neither nation-states nor international institutions alone are able to sufficiently regulate the global economy and to provide global public goods' (2011: 900).

Consequently, new institutional, multilevel, arrangements have emerged and operate concomitantly with established institutions (Marginson 2016). For instance, firms are contributing to and operating in accordance with civil regulation or 'private, non-state, or market-based regulatory frameworks' (Vogel, 2007: 5) in order to 'compensate for some of the shortcomings of national and international state governance' (Vogel, 2007: 4). Whereas civil regulation usually involves non-business constituents, and specific standards are introduced in response to pressure from an external source such as consumer sanction, civil regulation is invariably influenced by the motives of senior management 'whose stakes may be ethically questionable' (Scherer and Palazzo, 2007: 1099). In response to this, Scherer and Palazzo propose *deliberative democracy*, whereby 'the legitimacy of a political decision rests on the discursive quality of the decision making' (2007: 1107) so that legitimate

decision-making is based on discussion with collective associations such as NGOs. In the absence of sufficient national and international legislation, political CSR arguably ensures a check on the interests of the firm whose agents must justify its policies in the course of deliberation with deliberative partners or else change them. The democratic credentials of particular deliberative partners are of paramount import and therefore, legitimacy emerges as a first criterion for the assessment of the normative appropriateness of possible deliberative partners within deliberative democracy.

Deliberation should be rational and free from the influence of force or coercion and the outcome determined by reason and the power of the better argument. In principle, coercion is anathema to deliberative democracy, which is based on the 'uncoercive force of reason' (Ott, 2012: 578). However, that reason determines the outcome of discussion is compatible with the use of coercion *post* deliberation in order to ensure that the outcome of deliberation is manifest in policy decisions. Indeed, this may be necessary where there is an asymmetry of power between the parties in deliberation and where the outcome of deliberation contradicts the interests of the more powerful group. Therefore, partners in deliberative processes must also be effective in ensuring that the outcomes of the deliberative process are realised.

In the absence of efficacy to ensure adherence to the outcome of deliberation, there is the possibility, if not probability, that policy decisions are nonetheless based on specific interests (of the powerful). Political CSR pits the might of the MNC (themselves 'disturbingly powerful lobbies', Crouch 2009: 52), against others in the global economy where the former 'occupy a more directly regulatory role' (ibid: 50). Coercion as a means of imposing one's will is clearly at odds with deliberative democracy, however, post hoc coercion so that the

outcomes of deliberation are reflected in policy is critical to political CSR. It is therefore important that deliberative partners involved in political CSR can exert pressure on the MNC independently of the formal regulatory system so that the policy outcomes of deliberation better reflect the process of deliberation. The next section evaluates the trade union according to the criteria of suitability for participation in political CSR.

3) CSR Deliberation: Legitimacy, Efficacy and the Trade Union

The argument that trade unions are important stakeholders in the CSR and ethical strategies of the firm has been made elsewhere (see for example Brammer et al., 2012; Campbell 2007; Rhodes and Harvey 2012; Yu 2009). It is important at this stage to define what we mean by the trade union. After all, there is considerable and persistent diversity: in the nature of trade unionism both internationally and intra-nationally (see, for example, Gumbrell-McCormick and Hyman, 2013); in different strategies towards management, for instance militancy or moderation (Kelly 1996); and indeed in approaches towards members, as encapsulated in the servicing and organising debate (Heery, 2002: 27).

It is worthwhile to provide a preliminary contrast of the position of trade unions vis-à-vis other actors with a stake in firms' CSR practices. Existing research tends to juxtapose "internal" ("primary" or "normative") stakeholders such as employees, customers, and investors with "external" ("secondary" or "derivative") stakeholders such as community groups, NGOs, and the media (Laplume et al., 2008). Internal and external stakeholders differ in important respects in the extent and specificity of the resources they have

contributed to the firm, the extent to which they have assets at risk in the firm, and thus the legitimacy of their interest in the direction of the business (Phillips, 2003). Trade unions occupy a distinctive position in this landscape of stakeholders in that they are at once and the same time internal stakeholders (a significant stake in the success, continuity, and growth of businesses, formalised channels of voice and interaction) and external stakeholders (formal/structural independence from the firm, contrasting interests with the firm in some areas, somewhat narrower issue/advocacy interests). Since CSR involves navigating a balance between various forms and domains of responsibility (Schwartz and Carroll, 2003), we argue that trade unions are well-placed to encourage pro-social business conduct that is mindful of economic imperatives for business success as well as avoiding the excesses of some extreme single-issue activists. Given the myriad differences between unions, our analysis is largely based on a normative account of the trade union and focus on the unifying themes of trade unionism, that trade unions are independent from the firm; principally motivated to represent workers' interests; and committed to democratic internal processes (see Hodder and Edwards, 2015).

Legitimacy of the Trade Union

The legitimacy of the partner in the deliberative process is of paramount importance both in general and specifically in relation to establishing norms of conduct in respect of social and environmental issues. Legitimacy is in large part a matter of perspective (Chaison and Bigelow, 2002; Dussel 2013; see also Koch 2015: 13). Widespread absence of trade union recognition and employer hostility towards trade unions (see Cullinane and Dundon 2013) demonstrate the perspective of corporations towards trade union legitimacy, while the

Trade Union Act (2016) exemplifies the perspective of the current Conservative government in the UK. However, our concern here is not to consider the legitimacy of the trade union per se, but the legitimacy of the trade union to be involved in deliberation over CSR. As such, we consider the democratic nature of trade unionism, the broader social contribution made by the trade union, and the presence of incentive alignment that illustrate the positive role that unions might play in relation to CSR.

Trade unions are democratic organisations whereby the will of the membership is expressed through ballot on all issues such as the representatives and leadership. Criticism of trade union susceptibility to the 'iron law of oligarchy' has been refuted theoretically (Gouldner, 1964; Kelly and Heery, 1994), while the 'iron law of democracy' has been demonstrated by trade unions in the UK (Evans et al., 2012). Trade unions are both democratic agents and agents of democracy (see Erman 2013) in that they provide a countervailing force to absolutism in industry, which can lead 'to a number of pernicious and socially injurious outcomes' (Kaufman, 2000: 189). Or as Erne puts it, trade unions 'also consolidate political democracy by holding corporations accountable when they subject citizens, as they frequently do, to autocratic rule in the production process or colonize the democratic process by pecuniary means' (Erne 2008: 1).

It has been argued that although well placed to represent their members, trade unions are not legitimate representatives of the interests of people beyond the firm. In other words there is a basis for the 'validity of [trade union] voice on issues affecting their members – but not other issues' (Bendell 2006: 38). However, unions are also responsive to broader social concerns (see Hyman, 2001). For example, trade unions in the UK have worked closely with Amnesty International since the late 1970s not only collaborating on campaigns

concerning persecuted trade unionists, but also in support of broader social issues such as child labour (Myrstad 1999), Chinese democracy in the 1990s, and human rights in Columbia and other countries (see Heery 2009: 32-33). More recently, trade unions have been integral to the Living Wage campaign in the UK – the impact of which extends beyond the confines of trade union membership (see Heery et al., 2015: 21).

We also point to the incentive alignment between firm and trade union in CSR deliberation. It is perhaps understandable that CSR is less likely where firms are experiencing poor financial performance and where the prospect of ‘near-term profitability is limited’ (Campbell 2007: 952). Indeed, it might be argued that adherence to CSR objectives in such an environment would ultimately lead to socially undesirable consequences, e.g., cessation of operations resulting in unemployment. Moreover, governmental appetite for CSR legislation is inhibited during economic crises because of any detrimental impact on economic recovery and the ability of the firm to compete. There may be reticence and indeed resistance to enacting legislation that imposes strictures on firms.

Negotiation with a trade union, on the other hand, permits flexibility in response to societal demands. The trade union as steward of CSR continues to press the firm towards social and public goods, but is also well placed to understand the idiosyncratic [financial] pressures faced by the firm on occasion and to permit the temporary redirection of capital, which might include investment in CSR, in order to ensure the survival of the firm (arguably, a high ranking public good in terms of those employed within the firm). Ultimately then, the trade union can ensure that whereas the duration of the journey towards CSR may be longer and the direction of travel circuitous, the destination (CSR) does not change.

Effectiveness of the Trade Union

Whilst we have established that the trade union is independent from the firm, it is also internal to it. After all, union members, where such exist, comprise a proportion of the workforce that participates in and contributes to the performance of the firm. Therefore, in terms of CSR, the efficacy of the trade union can be expressed both within the firm (internally) and beyond the firm (externally) and understood according to two dimensions: communication and mobilisation (see Figure 1). An example of internal communication is the channelling of CSR information between management and the employee, raising concerns expressed by employees to management for consideration and conveying managerial response and strategic decisions to employees. In this regard, the trade union can be seen by management as 'more of a lubricant than an irritant' (McCarthy and Parker, 1968: 56). Collective voice is critical to the success of the firm for two very good reasons: first, that effective voice leads to participation and a beneficial impact on quality and productivity, and second, that it highlights problems that might otherwise fester or 'explode' if unaddressed (Dundon et al., 2004: 1151). Trade union voice is expressed in terms of 'internal firm governance and the national policy' (Kaufman, 2005: 562), both of which are important in relation to achieving CSR. The trade union is already well situated to engage in deliberation given that its primary function is to negotiate with management on behalf of its members. As an internal voice mechanism, the trade union not only deliberates over CSR policy with senior management, but provides an effective conduit within the firm between the employees and management via which employees can raise ethical concerns without fear of reprisal, 'providing a safe route for workers to report non-compliance' (Ethical Trading Initiative, 2010: 1), that might result from individual/direct communication.

The trade union is distinct from the firm and unencumbered by the organisational constraints to which the HR function is beholden (see Collings and Wood, 2009: 5; Rhodes and Harvey 2012; Purcell and Ahlstrand 1994). Nevertheless, it is sufficiently engaged to observe the activities of the firm and to act proactively to influence decision making, challenging the prerogative of the agents of capital through collective voice, thereby potentially achieving 'what the lone voice could never do' (Prosser, 2001, cited in Dundon et al., 2004: 1151). To be clear, the trade union is well placed to monitor and respond to activities that contradict agreements reached through deliberative process, but also to challenge activities undertaken by the firm that have not featured for discussion during this process but which are socially irresponsible. We elaborate on this point by adapting Gemmill and Bamidele-Izu's (2002) framework for civil society engagement with environmental governance. Through its involvement in the firm, the trade union has access to information that it is able to collate, analyse and subsequently present to management, its members and stakeholders outside of the firm. It is able to advocate for justice in the workplace and beyond, and influence firm policy towards this end. A broadly similar point is made by Dicken (2009: 6) of trade unions as 'effective positive mediators' of regulation within the workplace. In so doing, the trade union is able to mitigate against negative employee attribution by acting as an effective and reliable source of communication of the purpose of CSR, thereby avoiding the problems created by ineffectual communication (Du et al., 2010). Thereafter, it is able to closely monitor firm compliance with the CSR objectives set in a way that a wholly external organisation cannot.

Unlike external organisations, the trade union is omnipresent through its members and therefore positioned to observe and announce instances of "greenwashing" or "corporate

citizenship façade” in order to oppose resolute miscreant managerial intent. The ability of any independent organisation to monitor the performance of the firm is questionable. Royle (2010: 16) refers to this as the ‘spotlight phenomenon’, but exposes the problems of such monitoring as both ‘roving and random’ (ibid; 18) as when one organisation is under the ‘spotlight’, another may be free to behave as it wishes. In contrast, trade unions are well placed to identify non-compliance, ‘coordinating workers to monitor workplace practices’ (Ethical Trading Initiative, 2010: 1).

If communication is insufficient in challenging corporate malfeasance then the trade union is able to resort to internal or external mobilisation of stakeholder support. For example, in articulating the particular ‘injustice’ as a means of inspiring collective action (see Kelly 1998: 27), the trade union is able to mobilise the membership to impose sanctions on the firm. It is very difficult for senior management to ‘legitimate their actions’ according to rules (of law) or employee complicity (as wage taking participants) and yet more so in relation to beliefs about fairness (ibid) when activity fundamentally contravenes the most rudimentary shared notions of fairness. If it is unable to prevent miscreancy on the part of the firm through internal mobilisation, then the trade union might exert its political influence (external mobilisation) by drawing attention to geographically specific instances of corporate malfeasance to which the MNC is more susceptible (Scherer and Palazzo 2011). Externally, the trade union can communicate with the wider polity (Erne 2008), disseminating findings of its continuous monitoring of the firm so as to prevent instances of “greenwashing”. Where the trade union is unable to constrain managerial prerogative that might result in societal harm, it has the potential to mobilise political action.

INSERT FIGURE 1 ABOUT HERE

A final point to be made here is that the trade union is well placed to strive against and respond to 'unintended effects' (Edwards 2015a) of action taken, such as campaigns by the NGO and consumer sanction such as buy-cotts. Neither of these actors is embedded within the firm and neither is especially well suited to influence the form that the corporate response takes. In contrast, through its representatives and in negotiation with management, the trade union may moderate the impact of the corporate response on the most vulnerable, for example, by engaging in concession bargaining.

4) CSR Deliberation: Deficit of and Downsides for the Trade Union

We argue above that the trade union represents a legitimate partner in deliberation with the firm towards CSR because it offers the opportunity for inclusion and participation to its members, whose interests represent those of wider society as the members comprise in part the *demos*. That said, there may be a stark contrast between the interests of working people as workers and as citizens and that 'these terrains of interest may be in tension with each other' (Edwards, 2015b: 179). Put another way, 'moral judgements are always understood and expressed in a relativistic manner' (Lukes, 2008: 25). Consequently, the trade union representing worker interests may *have* to work with employers (and their CSR practices) in sectors including tobacco (Fooks et al., 2011), tourism (Camilleri, 2014), arms (Cole, 1923; Donnelly and Scholarios, 1998), nuclear power (Räthzel and Uzzell, 2011), and the extractive industries (Mutti et al., 2012). In such sectors, there is arguably limited

alignment between the interests of the worker, as represented by their trade union, and wider society (see Vachon and Brecher, 2016). Since these sectors are associated with significant wider social and environmental externalities, this perhaps suggests a boundary condition to the capacity of unions to promote beneficial wider social and environmental outcomes. However, that an industry has such externalities does not preclude it from contributing in socially responsible ways that do not run contrary to the purpose of the firm. Trade unions representing workers in tobacco firms, for example, might press the firm for social responsibility in climate change or child poverty.

Moreover, it has been suggested that the members of trade unions are primarily of a particular type, far from the cosmopolitan blend of the societies in which they are based i.e., 'pale, male and stale' (Simms et al, 2013; 20). For some time now, scholarship has pointed to the failure of trade unions to attract younger workers (Hodder, 2014) and unions are still struggling to comprehensively engage with an ever increasing number of precarious workers (Heery and Abbott, 2000; Standing, 2011). Nevertheless, there is certainly evidence that trade unions are pursuing a strategy towards broadening their remit in order to encourage diversity in membership and achieving aims and objectives that have a broader societal impact (Frege and Kelly, 2004). Take, for instance, recent union strategies of engaging with local interest groups towards achieving societal goals at a macro level (and also to increase union membership), commonly referred to as community unionism (McBride and Greenwood, 2009), or, as stated above, trade union engagement with global pressure groups to do achieve the same ends, albeit at a macro level, or social movement unionism (Robinson, 2000; Heery 2009).

As for efficacy, the decline in trade union membership across the globe (Visser, 2006) undermines the argument that trade unions are able to coerce management to accept the outcomes of deliberation in their CSR policies. Certainly this trend indicates a diminution in the associational power of the trade union (Wright, 2000) and its ability to coerce management through traditional industrial relations channels.

We now turn our attention to the important question of whether engagement in CSR deliberation is appropriate for organised labour. We do this by i) briefly exploring whether involvement in CSR deliberation is consistent with the economic objective of organised labour and ii) considering the possible implications of trade union involvement in CSR, namely in terms of members' reactions.

It has been suggested that unions exist 'not to provide workers with an exercise in self-government' (Allen, 1954: 15) but 'for the purpose of protecting and advancing the members' economic interests in connection with their daily work' (Cole, 1952: 13), 'regardless in general of political and social considerations, except in so far as these bear directly upon its own economic ends' (Hoxie, 1923: 45). Subsequently, one might question whether the trade union is able to accommodate this economic function whilst concomitantly applying pressure on the firm to provide social goods beyond those that benefit the membership.

Research has shown that the trade union can be effective in the representation of its membership and also in exerting 'a major egalitarian influence on the British labour market' (Metcalf et al., 2001: 74), thereby meeting the duality of what Flanders (1970: 15) identifies as representing 'vested interests' and acting as a 'sword of justice', albeit in a narrow sense with regards to the latter. However, engagement in CSR requires a broader remit of the

trade union than the national labour market, i.e., the nature and extent of injustice with which it must concern itself is much greater. Consequently, in endeavouring to meet the new demands incumbent upon it, the trade union may be less able to represent the interests of its members. For instance, CSR in relation to climate change – ‘a problem of production and consumption’ (Ajl, 2009) - presents a conundrum as it juxtaposes the trade union’s objectives of achieving vested interests, i.e., increasing production and labour, with its commitment to the environment, i.e. reducing production and labour. More generally, resources are finite and it is not hard to conceive of a situation wherein management present the trade union with a zero sum game whereby financial commitment to CSR or financial commitment to the workforce are offered as alternatives.

In extremis, two outcomes are possible. First, there is the possibility that involvement in CSR deliberation might precipitate a decline in membership due to disaffection by the move away from its traditional function of representing the interest of members towards a stewardship of societal interests. Given the decline in trade union density across the globe, involvement in CSR deliberation is then potentially damaging to the labour movement. In contrast to this ominous perspective, there are grounds for optimism for involvement in CSR deliberation to revitalise trade union membership if the new ‘collective action frame’ (Gahan and Pakarek 2013) has greater resonance with the views of individuals formerly either indifferent to, or antagonistic towards, trade unions. Such a reframing of trade unionism opens the door to opportunity as well as threat, by demonstrating the relevance of trade unionism to those who might otherwise feel that trade unions are irrelevant for them (see, for example, Heery and Conley 2007: 13).

A second point is whether a wider role for unions in promoting CSR is more appropriate for certain trade unions than for others (inter-union suitability), or whether it is more appropriate for certain distinct occupational groups within trade unions than for other union members (intra-union suitability). If indeed it is the case that certain unions or certain occupational groups fit the role better than others, then any involvement in CSR becomes highly divisive and problematic at a macro level and thus the implications for the labour movement more generally require careful consideration. Moreover, trade unions are more likely to participate in CSR where there is legislative underpinning for trade union involvement, as in coordinated market economies (CME) (Preuss et al., 2006). Therefore, the trade union that pursues this strategy in a liberal market economy, without the legislative support found in CMEs and without understanding the effect of such a strategy on membership density does so at a considerable risk.

5) Conclusion

This paper responds to the burgeoning debate on political CSR (Scherer and Palazzo 2007; 2011) that advocates for the MNC to play a more active and political role in CSR due to the limitations of legislation to constrain the behaviours of firms operating beyond the domestic or national context. At the heart of political CSR is a deliberative democratic process between the firm and broader stakeholder groups in order to determine CSR based on reasonable and logical discussion. This paper makes several contributions to this debate by integrating the fledging study of trade union involvement in CSR. First, we use the political CSR debate to provide a theoretical framework for understanding the role of trade unions in CSR and document the legitimacy of the trade union to partner the firm in deliberative democracy towards CSR. Whereas the focus of scholarship has been on the legitimacy of the

partner in deliberative processes, we highlight that because of inevitable asymmetries in power in these relationships, i.e., dominance of the MNC, the efficacy of deliberative partners is critical ensuring that the outcomes of deliberation are realised in policy and practice. We establish the legitimacy of the trade union in deliberation with the firm according to the democratic nature of trade unionism (both an agent of democracy and a democratic agent), the embeddedness of unions within institutionalised voice channels, and the presence of incentive alignment contribute considerably to the positive role that unions might play in relation to CSR. However, a second contribution made in the paper is in its discussion of the importance of efficacy in deliberative democracy. We argue that the partner to the firm must not only be legitimate in order to represent the interests of the demos that often contradict those of the firm, but also effective in ensuring that the outcomes of deliberation are manifest in policy. Simply put, for this kind of deliberation to work, even within firms with the most sincere and enlightened management, there must be a powerful incentive for the firm to commit to a course of action that goes beyond a sense of moral obligation and is potentially antithetical to the traditional (or neo classical) purpose of the capitalist organisation. To be sure, any partner with which the firm engages in deliberation must have both a perspective that is contrasting with and independent of that of management (in order to arrive at action that reflects the views of stakeholders other than senior management), but also be effective in monitoring compliance with agreed initiatives and be capable of taking effective action in the event of noncompliance. The efficacy of the trade union is presented herein as the ability to communicate with and mobilise stakeholders both within and beyond the firm. Finally, the paper analyses the potential and pitfalls of trade union participation in CSR deliberation. Disaffection with this revised strategy among members of trade unions might be damaging to the labour

movement. The uncertainty over member reaction to this new role for their representations ensures that adoption of such a strategy is something of a gamble. Nevertheless, by wielding the 'sword of justice', trade union involvement in political CSR has the potential to attract members who would otherwise eschew trade union membership.

References

Ajl, M. (2009) To Reduce Climate Change, Reduce Consumption, Inside Climate News, www.insideclimateneews.org, (30th August)

Allen, V.L. (1954). *Power in Trade Unions*. London: Longmans, Green and Co.

Barron, M. (2012) 'Ecological Impacts of the Deepwater Horizon Oil Spill', *Toxicol Pathol*, 40 (2): 315-320.

Baumann-Pauly, D., Wickert, C., Spence, L. and Scherer, A. (2013) 'Organizing Corporate Social Responsibility in Small and Large Firms: Size Matters', *Journal of Business Ethics*, 115 (4): 693-705.

Baur, D., and Palazzo, G. (2011) 'The Moral Legitimacy of NGOs as Partners of Corporations', *Business Ethics Quarterly*, 21(4), 579-604.

Bendell, J. (2006). *Debating NGO Accountability - UN-NGLS Development Dossier*. New York: United Nations.

Brammer, S., Jackson, G. and Matten, D. (2012). 'Corporate social responsibility and institutional theory: new perspectives on private governance'. *Socio-Economic Review*, **10(1)**, 3-28.

Campbell, J. (2007). "Why Would Corporations Behave in Socially Responsible Ways? An Institutional Theory of Corporate Social Responsibility". *Academy of Management Review*, **32(3)**, 946-967.

Camilleri, M. (2014). Advancing the sustainable tourism agenda through strategic CSR perspectives. *Tourism Planning & Development*, 11(1), 42-56.

Chaison, G. and Bigelow, B. (2002) *Unions and Legitimacy*, Ithaca: Cornell University Press.

Cole, G.D.H. (1923) *Trade Unionism and Munitions*, Oxford: The Clarendon Press.

Cole, G.D.H. (1952). *An Introduction to Trade Unionism 2nd Edition*. London: George Allen and Unwin.

Collings, D.G., and Wood, G. (2009) *Human Resource Management: A Critical Approach*, London: Routledge.

Crouch, C. (2009). 'Collective bargaining and transnational corporations in the global economy'. *International Journal of Labour Research*, 1(2), 43-60.

Cullinane, N. and Dundon, T. (2013), 'Unitarism and employer resistance to trade unionism', *International Journal of Human Resource Management* XXXX

Delbard, O. (2011). Social partners or full-fledged stakeholders?: Trade unions and CSR in Europe (France, Germany and the UK). *Society and Business Review*, 6(3), 260-277.

Dicken, L. (2009) 'Delivering fairer workplaces through statutory rights? Enforcing employment rights in Britain', *International Industrial Relations Association*, Sydney (April).

Donnelly, M., & Scholarios, D. (1998). Workers' experiences of redundancy: evidence from Scottish defence-dependent companies. *Personnel Review*, 27(4), 325-342.

Du, S., Bhattacharya, C.B. and Sen, S. (2010). 'Maximizing Business Returns to Corporate Social Responsibility (CSR): The Role of CSR Communication'. *International Journal of Management Reviews*, **12(1)**, 8-19.

Dundon, T., Wilkinson, A., Marchington, M. and Ackers, P. (2004). 'The meanings and purpose of employee voice'. *International Journal of Human Resource Management*, **15(6)**, 1149-1170.

Dussel, E. (2013) *Ethics of Liberation: In the Age of Globalization and Exclusion*, Durham: Duke University Press.

Edwards, P. K., (2015a) 'Critical social science and emancipation: II, development and application', *Industrial Relations Journal*, 46(4): 275-292.

Edwards, P. K. (2015b) 'Industrial relations, critical social science and reform: I, principles of engagement', *Industrial Relations Journal*, 46 (3): 173-186.

Egels-Zanden, N., and Hyllman, P. (2006) "Exploring the Effects of Union-NGO Relationships on Corporate Responsibility: The Case of the Swedish Clean Clothes Campaign", *Journal of Business Ethics*, 64(3), 202-316.

Erman, E. (2013). In search of democratic agency in deliberative governance'. *European Journal of Industrial Relations*, 19(4), 847-868.

Erne, R. (2008). *European Unions*, Cornell University Press: Ithaca.

Ethical Trading Initiative, (2010). 'Working with trade unions to improve homeworkers' conditions: Benefits for retailers and suppliers'. *Homeworker Briefing*, April 2010.

Evans, C., Harvey, G. and Turnbull, P. (2012). 'When Partnerships Don't 'Match-Up': An Evaluation of Labour-Management Partnerships in the Automotive Components and Civil Aviation Industries'. *Human Resource Management Journal*, **22(1)**, 60-75.

Flanders, A. (1970) 'Trade unions in the sixties' in A. Flanders (ed.) *Management and Unions*, London: Faber and Faber.

Fooks, G. J., Gilmore, A. B., Smith, K. E., Collin, J., Holden, C., & Lee, K. (2011). Corporate social responsibility and access to policy élites: an analysis of tobacco industry documents. *PLoS Med*, 8(8), e1001076.

Fredricksson, P., and Gaston, N. (1999). 'The "greening" of trade unions and the demand for eco-taxes'. *European Journal of Political Economy*, 15, 4: 663-686.

Frege, C. and Kelly, J. (2004). 'Union strategies in comparative context', in C. Frege and J. Kelly (eds.) *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy*, Oxford: Oxford University Press.

Gahan, P., and Pakarek, A. (2013) 'Social Movement Theory, Collective Action Frames and Union Theory: A Critique and Extension', *British Journal of Industrial Relations*, 51(4): 754–776

Gemmill, B. and Bamidele-Izu, A. (2002). 'The Role of NGOs and Civil Society in Global Environmental Governance'. in D. Esty and M. Ivanova (eds.) *Global Environmental Governance*. New Haven: Yale.

Gouldner, A.W. (1964). 'Metaphysical Pathos and the Theory of Bureaucracy'. in Coser, L.A., and Rosenberg, B. (eds) *Sociological Theory*. Hampshire: Macmillan.

Graham, D., and Woods, N. (2006) 'Making corporate self-regulation effective in developing countries' *World Development*, 34(5): 868-932.

Guardian, The (2015) *VW scandal: German prosecutors launch inquiry into former boss*, 28th September 2015, <http://www.theguardian.com/business/2015/sep/28/vw-scandal-german-prosecutors-launch-inquiry-into-former-boss> - Accessed 9th October 2015.

Gumbrell-McCormick, R. and Hyman, R. (2013). *Trade Unions in Western Europe: Hard Times, Hard Choices*, Oxford: Oxford University Press.

Heery, E. (2002) 'Partnership versus organising: alternative futures for British trade unionism', *Industrial Relations Journal*, 33 (1): 20-35.

Heery, E. (2009) *Amnesty International and Trade Unions in Britain: Thirty Years of Solidarity for Human Rights*, London: Amnesty International UK.

Heery, E. and Abbott, B. (2000). 'Trade unions and the insecure workforce', in E. Heery and J. Salmon (eds.) *The Insecure Workforce*, London: Routledge.

Heery, E. and Conley, H. (2007) 'Frame Extension in a Mature Social Movement: British Trade Unions and Part-time Work, 1967-2002', *Journal of Industrial Relations*, 49 (1): 5-29.

Heery, E., Hann, D., and Nash, D. (2015) *The Living Wage in Wales*, Cardiff: Cardiff University.

Hodder, A. (2014). 'Organising young workers in the Public and Commercial Services union', *Industrial Relations Journal*, **45 (2)**: 153-168.

Hodder, A. and Edwards, P. K. (2015) 'The essence of trade unions: understanding identity, ideology and purpose', *Work, Employment and Society*, **29 (5)**: 843-854.

Hoxie, R. (1923). *Trade Unionism in the United States*, New York: Russell and Russell.

Hyman, R. (2001) *Understanding European Trade Unionism*, London: Sage.

Kaufman, B.E. (2000). 'The Early Institutionalists on Industrial Democracy and Union Democracy'. *Journal of Labor Research*, **21(2)**, 189-209.

Kaufman, B.E. (2005). 'What Do Unions Do? Evaluation and Commentary'. *Journal of Labor Research*, **26(4)**, 555-595.

Kelly, J. (1996). 'Union Militancy and Social Partnership' in P. Ackers, C. Smith, and P. Smith (eds.) *The New Workplace and Trade Unionism*, London: Routledge.

Kelly, J. (1998). *Rethinking Industrial Relations*. London: Routledge.

Kelly, J. and Heery, E. (1994). *Working for the Union: British Trade Union Officers*. Cambridge: Cambridge University Press.

Koch, B. (2015) *Patterns Legitimizing Political Violence in Transcultural Perspectives*, Boston: Walter de Gruyter Inc.

Laplume, A. O., Sonpar, K., & Litz, R. A. (2008). Stakeholder theory: Reviewing a theory that moves us. *Journal of management*, 34(6), 1152-1189.

Lukes, S. *Moral Relativism*, New York: Picador.

Marginson, P. (2016) 'Governing work and employment relations in an internationalized economy: the institutional challenge', *Industrial and Labor Relations Review*, 69(5): 1033-1055.

McBride, J. and Greenwood, I. (2009). *Community Unionism: A Comparative Analysis of Concepts and Contexts*. Basingstoke: Palgrave Macmillan.

McCarthy, W.E.J. and Parker, S.R. (1968). 'Shop stewards and workshop relations'. *Research Paper No. 10 of Royal Commission on Trade Unions and Employers' Associations*, London: Her Majesty's Stationary Office.

Metcalfe, D., Hansen, K., and Charlwood, A. (2001) Unions and the Sword of Justice: Unions and Pay Systems, Pay Inequality, Pay Discrimination and Low Pay, *National Institute Economic Review*, 176(1): 61-75.

Mutti, D., Yakovleva, N., Vazquez-Brust, D., & Di Marco, M. H. (2012). Corporate social responsibility in the mining industry: Perspectives from stakeholder groups in Argentina. *Resources Policy*, 37(2), 212-222.

Myrstad, G. (1999). 'What can trade unions do to combat child labour?', *Childhood*, 6(1), 75-88.

Ott, K. (2012) 'Variants of de-growth and deliberative democracy'. *Futures*, 44, 571-581.

Phillips, R. A. (2003). "Stakeholder Legitimacy," *Business Ethics Quarterly*, 13(1), pp. 25-41.

Purcell, J., and Ahlstrand, B.W. (1994) *Human Resource Management in the Multi-Divisional Company*, Oxford: Oxford University Press.

Preuss, L., Haunschild, A. and Matten, D. (2006). 'Trade unions and CSR: a European research agenda'. *Journal of Public Affairs*, **6(3-4)**, 256–268.

Preuss, L., Haunschild, A., and Matten, D. (2009). 'The rise of CSR: implications for HRM and employee representation'. *The International Journal of Human Resource Management*, 20: 4, 953-973.

Preuss, L., Gold, M., and Rees, C. (2015) *Corporate Social Responsibility and Trade Unions: Perspectives across Europe*, Abingdon: Routledge.

Ramasastri, A. (2015) 'Corporate Social Responsibility Versus Business and Human Rights: Bridging the Gap Between Responsibility and Accountability', *Journal of Human Rights*, 14 (2): 237-259.

Rassier, Dylan G. (2006). 'Do Trade Unions Affect Compliance with Environmental Regulation?', Available at SSRN: <http://ssrn.com/abstract=889400>

Räthzel, N., and Uzzell, D. (2011). Trade unions and climate change: The jobs versus environment dilemma. *Global Environmental Change*, 21(4), 1215-1223.

Reinecke, J. and Donaghey, J. (2015) 'After Rana Plaza: building coalitional power for labour rights between unions and (consumption-based) social movement organisations', *Organization* 22 (5): 720-740.

Robinson, I. (2000). 'Neo-liberal restructuring and US unions: toward social movement unionism?', *Critical Sociology*, **26(1/2)**, 109-138.

Royle, T. (2010). *The Regulatory Challenge of „Financialization’ and the Multinational Corporation: A review of ILO Standards, Social Clauses and Voluntary Corporate Initiatives*.

European Congress of the International Industrial Relations Association, Copenhagen, 28 June - 1 July 2010.

Rhodes, C. and Harvey, G. (2012). 'Agonism and the Possibilities of Ethics for HRM'. *Journal of Business Ethics*, **111**, 49–59.

Scherer, A.G. and Palazzo, G. (2007). 'Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective'. *Academy of Management Review*, **32(4)**, 1096-1120.

Scherer, A.G. and Palazzo, G. (2011). 'The New Role of Business in a Globalized World: A Review of a New Perspective on CSR and its Implications for the Firm, Governance and Democracy'. *Journal of Management Studies*, **48(4)**, 899-931.

Schwartz, M. S., & Carroll, A. B. (2003). Corporate social responsibility: A three-domain approach. *Business ethics quarterly*, 13(04), 503-530.

Shamir, R. (2004) 'Between Self-Regulation and the Alien Tort Claims Act: On the Contested Concept of Corporate Social Responsibility', *Law and Society Review*, 38(4): 635-664.

Simms, M., Holgate, J. and Heery, E. (2013). *Union Voices: Tactics and Tensions in UK Organizing*, Ithaca: Cornell University Press.

Standing, G. (2011) *The Precariat: The New Dangerous Class*, London: Bloomsbury Academic.

Vachon, T. and Brecher, J. (2016) 'Are union members more or less likely to be environmentalists? Some evidence from two national surveys', *Labor Studies Journal*, online first: DOI: 10.1177/0160449X16643323

Visser, J. (2006). 'Union membership statistics in 24 countries', *Monthly Labor Review*, **January**, 38-49.

Voegtlin, C., and Pless, N.M. (2014) Global Governance: CSR and the Role of the UN Global Compact, *Journal of Business Ethics*, 122(2): 179-191.

Vogel, D. (2007). *The Private Regulation of Global Corporate Conduct*. Global Economic Governance Programme, Oxford: Oxford University.

Yu, X. (2009) 'From Passive Beneficiary to Active Stakeholder: Workers' Participation in CSR Movement Against Labor Abuses', *Journal of Business Ethics*, 87(1), 233-249.