

Workplace regulation, employment and the state

This special issue focuses on questions and themes relating to workplace regulation, employment and the state, and aims to highlight the ways in which the role of the state has shifted as well as how different stakeholders engage with the notions of regulation that consider its changing role. The relationship between workplace regulation, employment and the state has traditionally focused on the role of the state in addressing inequalities generated by economic policies and processes (see e.g. Jacobsson, 2004). However, in the context of economic globalisation, the state has been a driver to changes to the global political economy of labour. This has seen reforms to the state apparatus that have transformed it into both a service provider and a control provider, effectively reconfiguring the role of the state from regulator to facilitator in the creation of a new regime of control and employment relations (Kuruville and Verma, 2006; Martínez Lucio and Stuart, 2011). As work organisations take on more explicit roles as political and regulatory actors, the need for new forms of regulation that address the interplay between the transformation of the state and the increasingly dominant role of private sector ideologies continue to emerge. Papers included showcase a range of theoretical, methodological and empirical discussions that provide critical insights into these issues, highlighting the ways in which the role of the state has changed in the articulation, implementation and monitoring of regulation of work and employment. These allude to the complexity of the role of the state and other stakeholders as a result of these changes. Through the exploration of these issues, the special issue contributes to extant literature in the areas of industrial relations, employment studies and HRM, not only identifying gaps in existing knowledge and understanding, but also contributing new analytical angles and ideas to set the future agenda for work in this area.

This special issue emerges from the Economic and Social Research Council seminar series “Regulation of work and employment: towards a multidisciplinary, multilevel framework”, held in Newcastle University (UK), Strathclyde University (UK) and Monash University Prato Centre (Italy) during the period 2013-2015. The seminar series looked to explore different dimensions of the regulation of work and employment. This was accomplished by facilitating dialogue between different stakeholders through the organisation of multidisciplinary analytical forums to discuss the paradoxes and ambiguities related to competing and future agendas of regulation of work and employment. The series took the important step of looking at regulation from multidisciplinary, multilevel perspectives, framing discussions that included a diverse group of national and international speakers and participants. Participants included academics from a range of disciplines (e.g. economics, law, employment studies, HRM, psychology and sociology), geographical locations, and different career stages: practitioners, policymakers and members of statutory bodies. The diversity of these groups contributed to rich discussions about both the state of theory and research about the regulation of work and employment, as well as the focus of policies and practices affecting diverse stakeholders. In particular, the second seminar in the series focused on the changing role of the state and a fundamental outcome of this seminar was the articulation of the need to explore the role of macro-structures more comprehensively, such as the state, in shaping frameworks for the regulation of work and employment, and how different stakeholders engage with and respond to these frameworks.

Following up from these discussions this special issue captures ideas that look to problematise them from diverse perspectives, showing changes in the role of both the state and stakeholders in terms of how they interpret, articulate and implement workplace regulation.



Contributions to the special issue

The 11 papers in the special issue bring together a variety of perspectives in the relationship between workplace regulation, employment and the state. The strength of the contributions lays in the heterogeneous analytical approaches and the connections made in the papers, both exploring conceptual and theoretical ways to frame discussions, and presenting empirical evidence that demonstrates variability across workplaces, sectors and countries. The special issue starts with four papers that position the discussion about the regulation of work and employment in contextual and conceptual terms. Following these papers, the remaining papers present both theoretical discussion and use empirical evidence to show the complexity of workplace regulation, grounding discussions on particular settings.

In the first paper, Hardy (2017) explores on the notion of precarious work and addresses the temporal, historical and analytical weaknesses manifest in many accounts by proposing a political economy synthesis. Through a political economy theoretical lens, the paper focuses on the structures and institutions of capitalism, and the individual and collective agency of workers, arguing that precarious work is intrinsic to capitalism and therefore the precariat cannot be understood as a class-in-itself.

Following on the topic of precariousness, in the second contribution Grady (2017) examines the relationship between the rise of neoliberalism and finance capital, the emergence of the neoliberal organisation, the proliferation of active labour market policies and increased use of zero hour contracts, and the role of these events in the creation of the low wage economy in the UK. The paper argues that regulatory choices are influenced by a political preference for financialisation, which has led to the naturalisation of policies that institutionalise low wages and promote economic deregulation that favours big businesses. This, the paper argues, highlights that the state makes deliberate neoliberal policy choices that lead to low pay and insecure employment.

The importance of a conceptual understanding of regulation is addressed by Inversi *et al.* (2016), who propose an analytical framework of regulation that combines the legal aspects of regulation with self-regulatory dimensions of employment regulation. The paper argues that existing literature places too much attention to a (false) regulation vs deregulation dichotomy, with insufficient analysis of other “spaces” in which labour policy and regulation are formed and re-formed. Their proposed framework is built on the idea that a broader and more inclusive regulatory approach captures more accurately the complexity of employment regulation as a dynamic process shaped by institutions and actors.

Moving to theorisation of regulation in the workplace, Moore and Piwek (2017) discuss workplace regulation, looking at issues emerging from the introduction of wearable self-tracking technologies in workplaces. The paper argues that the rise of sensory technologies in workplaces designed to improve wellness and productivity has significant implications not only for the way organisations enter the private health spaces of workers, for example through access to wellness data and the implementation of wellness initiatives; but also for the way work and workers are monitored and regulated. This, the paper argue, will have a probable impact on work design and appraisal systems, leading to more concrete forms of quantification of labour.

The first paper to present empirical evidence is by Macneil and Liu (2017), who problematise the relationship between soft regulation, organisational learning and workplace gender equality goals. Using a longitudinal single-case organisation in the male-dominated steel manufacturing, distribution and mining industries in Australia, the paper focuses on the evidence of organisational learning by looking at the organisation's reports to government on its activities to promote gender equality. The paper argues that the seeming failure of soft regulation to address gender equality outcomes could be attributed to ineffective organisational learning, in particular, given the absence of systematic reflection on how to improve workplace gender equality, as well as the lack of concrete targets and external

benchmarking. The paper concludes that more effective gender equality regulation may change organisational policy and practice and improve work opportunities for women.

In a discussion of employment relations in Italian small firms, Regalia (2017) debates the possibilities of positive and socially acceptable ways of setting the rules of work in the global landscape by addressing the extent to which practices conform to traditional expectations on the functioning of collectively mediated industrial relations systems. In particular, the paper focuses on the representation of labour and the degree of workplace welfare, presenting a typology of ER models in small firms that show the disconnection between labour organisation and workplace welfare. The paper concludes that special attention should be placed on the structure and composition of resources available to actors both within and beyond workplaces as well as the conditions for good labour relations in the absence of representation.

Tackling the transnational regulation of employment relationships, Pulignano (2017) discusses how the European Framework Agreements can constrain the multinationals' strategies of benchmarking and workplace inequality. The paper reports on research on the strategies of inequality at the workplace level of multinational corporations in the context of the weakening of traditional bargaining and representation structures. The paper highlights that the regulatory regime of organised and governed labour markets and employment relationships is undermined by the employment relationships becoming increasingly unstable in most industrialised countries in Europe.

Looking at the unionisation of foreign workers, Stewart *et al.* (2017) draw on primary data gathered from union members of a Japanese minority union with a social and political agenda for Latin American workers to discuss their experiences as trade unionists. The paper argues that the increasing significance of community unions raises the question about the possibility of the reregulation of worker interests in ways not fully encompassed by traditional labour market-focused unions.

Drawing on ideas about the lack of regulatory role by the state, Rodriguez and Stewart (2017) present empirical data focussing on the Chilean case. The paper looks at work practices in Chile, in particular the role of organisational culture as a mechanism that simultaneously reinforces neoliberal notions of work and is sustained on strict control and regulation of the workplace. The paper argues that HRM practices are subsumed to organisational cultures, where organisational culture is a regulatory device reliant on dynamics of worker monitoring and control, which ultimately reconfigure work practices.

Portes Virginio *et al.* (2017) discuss variation in migrant labour market regimes and its relationship with patterns of state and extra state regulation. The paper presents comparative evidence looking at Mexico and the north of Ireland. The paper argues that labour market subordination experienced by migrant workers reflect wider processes of subordination and exclusion involving both the state and other agents. The paper highlights the porosity of the formal rational legal state as well as the compatibility of illegality and state sponsored neoliberal economic policies.

The final contribution is by López Andreu (2017), who uses narrative biographies to explore the impact of institutional changes. The paper focuses on individual labour market trajectories, exploring the effects of changes in employment regulation in Spain. The paper argues that reforms aiming to implement flexible employment regulation, following the global financial crisis, substantially changed previous existing patterns of employment and whilst reinforcing existing trends towards greater flexibility, they also led to weaker employment protection and a general shift in the position of work in society.

Final thoughts

The special issue brings together a wide range of contributions that adopt diverse approaches to discuss workplace regulation, employment and the state. In some contributions, the role of the state is explicitly addressed, whilst in others, it remains

implicit. This speaks to the complexity of engaging with the changing role of the state as a regulatory actor. In that respect, the contributions engage with extant works (e.g. Forde and Slater, 2016; Koch, 2016) that highlight the need for more comprehensive insight into how these shifts impact the quality of employment and the extent to which they promote workplace inequality(ies). Contributions in this special issue not only touch on this central issue but also raise other fundamental questions related to the political dimension of workplace regulation, the impact between supranational authority and national regulation, the role of regulatory mechanism on the intensification of work as well as the articulation of regulation as experienced by diverse groups of workers in different national contexts. Moving forward, we must consider that debates about the labour process have primarily focused on questions of control, redefinition of participation and work intensification; yet it is unclear where regulation sits in relation to these debates. Similarly, the State also remains largely absent within these debates. More work is needed that addresses problematic areas of workplace regulation, employment and the state, such as regulation of work and workers in informal labour markets, the implementation and control of labour standards in global production networks, and the role of management as a regulatory actor of the state.

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