

Planting seeds for social dialogue:

An institutional work perspective

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Abstract

How to get workplace social dialogue started at the bottom of Global Value Chains remains a difficult question. Drawing from institutional work literature, we investigate how local unions, supplier and buyer worked together to start the process of social dialogue in the anti-union context of pineapple plantations in Costa Rica. The process unfolds along four phases each involving specific sets of institutional work. The study highlights the evolving brokerage role of the international buyer and the importance of balancing compliance and commitment approaches to build the foundation for workplace social dialogue.

Key words: *Institutional work, social dialogue, global value chains, brokerage role*

1. Introduction

Workers in Global Value Chains (GVCs) are often excluded from workplace social dialogue, particularly in the rural economy, where the lowest percentage of collective bargaining agreements (CBAs) are signed (ILO 2018). The right to freedom of association and collective bargaining has received considerable attention in GVC literature (Barrientos and Smith 2007; Fairbrother *et al.* 2013; Hammer 2008). Research has focused on the extra-local dimension to workplace relations such as International Framework Agreements (IFAs) involving global unions and lead firms (Helfen and Sydow 2013; Lévesque *et al.* 2018; Niforou 2012; Robinson 2010) and other types of transnational industrial relations instruments such as the Accord in Bangladesh (Ashwin *et al.* 2019; Reinecke and Donaghey 2015). However, little is known about how to get the social dialogue started at local level. Studies often depart from empirical settings where social dialogue is already established through transnational agreements and tend to focus on the issue of effectiveness (Cradden and Graz 2016; Koch-Baumgarten and Kryst 2015). As a result, understanding how to bring the local social partners around the bargaining table and how dialogue unfolds in the course of time remain underexplored (Adam and Jones 2019; Reinecke *et al.* 2017). Our first research question investigates what is needed to set in motion institutional change towards workplace social dialogue at the bottom of GVCs.

Building social dialogue requires time, resources and relevant stakeholders to act. It is not easily replicated in GVCs where cost-cutting pressures lead to preferences for low labour costs and non-unionised suppliers (Adam and Jones 2019; Anner 2018; Louche *et al.* 2018). Several scholars have highlighted the influence of brokers who link disconnected actors in GVCs to push for improved conditions at the bottom of supply chains (Arenas *et al.* 2013; Merk 2009; Reinecke *et al.* 2018). The attention has predominantly been on civil society actors, such as NGOs who stand

up for worker's rights in campaigns (Fairbrother *et al.* 2013; Reinecke and Donaghey 2015) as well as global unions negotiating IFAs with multinational buyers (Helfen and Sydow 2013; Riisgaard 2005). In turn, buyers in GVCs are found to put pressure on suppliers to respect worker's rights through ad hoc interventions and protocol agreements (Ashwin *et al.* 2019), tick box approaches of certification standards or codes of conduct (Barrientos and Smith 2007; Egels-Zandén and Merk 2014; Locke *et al.* 2009), cross-border campaigns (Bartley and Egels-Zanden 2016; Reinecke and Donaghey 2015) and IFAs (Helfen and Sydow 2013; Riisgaard 2005). These buyers' interventions often follow a compliance-oriented approach since commercial pressures and (the threat of) sanctions are used if suppliers fail to comply with the standards (Hammer 2008). The governance and regulatory role of buyers may however be less effective when it comes to promote more complex workplace issues such as initiating social dialogue (Alexander 2019; Barrientos and Smith 2007; Bartley and Engels-Zandén 2015; De Neve 2008; Egels-Zandén and Merk 2014). A commitment-oriented approach based on joint-problem solving, capacity-building and long-term collaborations, might be more appropriate but has only rarely been addressed in the literature, especially not when it comes to workplace social dialogue (Alexander 2019; Locke *et al.* 2009; Lund-Thomsen and Lindgreen 2014; 2018). Moreover, the literature has explored the two approaches, compliance and committed, separately without considering the interplay between the two. We argue that brokers might actually be using both to strengthen their capacity to create change. Whilst realising that establishing social dialogue is notoriously difficult in local environments that are not conducive to union organisations (Reinecke *et al.* 2017), our second research question focuses on how international buyers can act as brokers to drive change and overcome barriers to get social dialogue at workplace level started.

To answer our questions, we apply an institutional work lens. The institutional work lens takes an agentic, relational perspective on how institutions change through (inter)actions of multiple actors (Lawrence and Suddaby 2006). This allows us to take a longitudinal approach to study what it takes to develop social dialogue, how the role of the buyer evolves and which intermediate outcomes are reached. This approach is relevant since few studies (with the exception of Reinecke *et al.* (2017) and Adam and Jones (2019)) have investigated how social dialogue is initiated in an anti-union context.

Our study explores the case of a Norwegian importer (BAMA Gruppen AS) that buys pineapples and bananas from Standard Fruit Company in Costa Rica, part of the multinational Dole Food Company, Inc. In response to allegations made in a consumer campaign against Dole concerning its anti-union practices in 2006, BAMA used its commercial pressure as one of Dole's biggest buyers in Europe to make buying conditional upon respecting social dialogue. This direct buyer engagement initiated a long process of change, slowly opening the doors to social dialogue at the plantations.

This paper provides an in-depth understanding of the process of starting social dialogue at the workplace. It contributes to the existing literature in three ways. First, we show how the doors to social dialogue slowly opened through the different institutional works actors engaged in. The four types of work we identified—convening, enabling, empowering and monitoring—enrich the existing notion of negotiation work (Helfen and Sydow 2013). These are 'pre-negotiation' work preceding the negotiations in settings where social dialogue is not yet established. Second, this study provides unique empirical evidence of a changing triadic relationship (union, supplier and buyer) and advances knowledge on the brokerage role of buyers in GVCs. The role of the broker was not static but evolved over time, revealing the evolving nature of brokerage. Third, our case

demonstrates the importance of using both compliance and commitment-oriented approaches to get the social dialogue started. Our results show that the buyer used its leverage as a broker to advance workplace social dialogue at the supplier sites. Through the implementation of different forms of institutional works sequenced over time and with different intensity of interaction (from high to low), the buyer played a crucial role in enabling social dialogue first by breaking the walls between the unions and the supplier, then by creating frames of understanding and finally by building repertoires of action. Importantly, the different forms of institutional works revealed the necessity of using both commitment and compliance approaches in a dynamic way. Our case highlights that the three elements -- the different forms of institutional works, the brokerage role of the international buyer, and the interplay between compliance and commitment approach-- were key ingredients to build the foundations for local social dialogue. Taking one element out of this process would probably jeopardise local social dialogue. Based on our empirical findings, we develop a process model capturing and theorising the process through which the foundations for local social dialogue are built.

The remainder of the paper is organised as follows. We discuss the literature on social dialogue processes in GVCs and introduce institutional works. Then, we give the empirical context and explain the methods that were used. In the following two sections, we provide the results: the four types of institutional work and the dynamic model built around the intermediate outcomes and turning points that developed throughout the process. Finally, we discuss our findings and provide avenues for future research.

2. Social dialogue in Global Value Chains

Social dialogue has a long history in European industrial relations and is one of the pillars of decent work promoted by the International Labour Organization (ILO). It is defined as ‘all types

of negotiation, consultation and exchange of information between representatives of government, employers and workers on employment issues' (ILO 2018: 3). Social dialogue can happen at different levels (global, national, sectoral, workplace), either tri- or bipartite (with or without government), and may be formalised in (international) framework agreements or CBAs. This study focuses on bipartite workplace social dialogue that has yet to be established between local workers and management of a supplier in a GVC.

Constraining and enabling factors for social dialogue

Social dialogue covers a broad range of activities, from information-sharing and consultation to more active forms of negotiation and joint decision-making (Fashoyin 2004; Hall and Purcell 2012; Reinecke *et al.* 2017). Industrial relations scholars have identified a number of enabling conditions for social dialogue, such as trust, independent workers' and employers' organisations with the necessary skills and access to information, willingness to consult, negotiate and engage in social dialogue, recognition of workers' organisational rights and institutional support including an effective regulatory framework and labour inspectorate (Fashoyin 2004; Ishikawa 2003; Sydow *et al.* 2014). Recently, the Ethical Trading Initiative identified some successful social dialogue models in agricultural sectors of Peru, Mexico and Colombia. These good practices illustrate that building bridges, developing trust, establishing regular dialogue mechanisms and transparent communication channels, commitment across all levels within the organisation and support of civil society actors are essential elements for social dialogue (Adam and Jones 2019). However, initiating social dialogue at the bottom of GVCs is challenging because many production areas are characterised by a low union density limiting unions' ability to defend workers' rights. Local adverse conditions such as the presence of migrant workers, the dispersion of production sites and casual employment further impede union organisation (ILO

2017; Louche *et al.* 2018). Moreover, workers tend to consider unions as unnecessary or unhelpful (De Neve 2008; Soundararajan 2016), while local management's resistance to unionism persists (Nifourou 2012; Riisgaard 2005; Robinson 2010; Zajak 2017). Additionally, the local institutional environment is not always conducive to social dialogue as institutions may not function well and labour law enforcement is weak (Ashwin *et al.* 2019; Anner 2012; Miller 2008; Niforou 2015).

Starting and institutionalising social dialogue in such a context is not a given. But as we will develop in the next section, some studies have highlighted the role of brokers to facilitate social dialogue to start.

Social dialogue and the role of brokers

In sectors where labour is not organised or unions are not recognised, brokers may step in to empower labour organisations and help them to gain a seat at the bargaining table (Adam and Jones 2019; Ashwin *et al.* 2019; Bartley and Egels-Zandén 2016; De Neve 2008; Merk 2009). By forming cross-border alliances, NGOs and global union federations can bridge between otherwise disconnected actors in the supply chain in order to improve conditions at the supplier sites (Arenas *et al.* 2013; Merk 2009; Riisgaard 2005). In the literature, the term *brokerage* is used to refer to linking actors across the supply chain. A broker can also mediate supply chain relations, translate certain norms and help to rebalance power inequalities (Reinecke *et al.* 2018). Clearly different actors (including NGOs, unions, factory managers and multinational corporations) can play such a brokerage role (Reinecke *et al.* 2018). Yet, less is known on the types of actions and the role of international buyers, directly engaging with suppliers to promote social dialogue at a local or workplace level. Oka (2018) studies the advocacy role of brands in influencing producer

country governments to improve labour rights, but overlooks the interaction between buyers, local unions and management.

In buyer-driven chains lead firms/buyers have considerable commercial power to influence social relations (Miller 2008; Riisgaard and Hammer 2011), and are known to impact on worker's rights through both compliance- and committed-oriented approaches (Alexander 2019; Hammer 2008; Locke *et al.* 2009). Buyers can leverage their powerful position (Bartley and Egels-Zandén 2016) and use sanctions as a pressure mechanism, for example, through the threat of contract loss (Hammer 2008; Locke *et al.* 2009; Lund-Thomsen and Lindgreen 2014; Reinecke *et al.* 2018).

Alternatively, through a commitment-oriented approach, buyers may develop collaborations/partnerships, exchange information, provide assistance and build capacity of suppliers (Alexander 2019; Hultman and Elg 2016; Locke *et al.* 2009; Lund-Thomsen and Lindgreen 2014; 2018). With this approach, buyers offer better prices and long-term contracts as incentives to comply with their requirements. Some examples of buyers' actions to promote social dialogue are: 'encouraging suppliers to attend meetings with unions', 'CSR managers engaging in dialogue on the implementation of freedom of association and collective bargaining', 'suppliers' awareness training' and 'the brokering of negotiated access or neutrality agreements or non-interference guarantees to facilitate trade union recognition' (Miller, 2008: 183-184). Reinecke *et al.* (2017) note that buyers can support social dialogue by engaging in long-term commitments and incentivising suppliers to think positively about social dialogue.

A key issue is thus to get suppliers understand and accept what social dialogue means (Miller 2008). Although empirical evidence on the actions and outcomes characterising such a commitment approach is scarce and mainly confined to case studies in manufacturing industries (Alexander 2019), these forms of collaboration are assumingly fostering more stable and

sustainable ‘bottom-up’ changes rather than forcing compliance through annual audits and sanctions (Locke *et al.* 2009). Interestingly, the two approaches, compliance and committed, have been studied separately, but never together while buyers might actually use both approaches simultaneously to promote change, as recently argued by Alexander (2019). Each approach plays a specific role and offers means to bring change. Considering them separately is neglecting the multiplier effect that can arise from the interplay between the two. Therefore, more research is needed to better understand the dynamics of using both approaches and how they can reinforce each other to promote social dialogue.

Social dialogue through an institutional work lens

To gain a better understanding of what it takes to build workplace social dialogue at supplier sites, we use an institutional work lens. This focuses attention on actors as agents influencing institutions (Hampel *et al.* 2017; Lawrence and Suddaby 2006). Actors perform actions or ‘institutional works’ that can lead to institutional change. Institutional work refers to ‘the purposive action of individuals and organisations aimed at creating, maintaining and disrupting institutions’ (Lawrence and Suddaby 2006: 215). Recognising the ability of actors to initiate institutional change (Lawrence and Suddaby 2006), scholars have identified many different types of work such as routinising, monitoring, advocating, educating, or defining practices (for a more comprehensive overview see Hampel *et al.* 2017). As noted in Zietsma and Lawrence (2010), institutional works can create common grounds between heterogeneous actors, enabling a move from initial confrontation to collaboration and help the actors involved to develop ‘safe spaces’ to experiment with new institutions.

The institutional work perspective has been extensively used in diverse settings of institutional change, such as the process leading to the adoption of the Fair Labour Association Standard

(Mena and Suddaby 2016), forest logging practices (Zietsma and Lawrence 2010), the standardisation of a responsible investment index (Slager *et al.* 2012) and the evasion of institutional demands for improved working conditions by small knitwear export businesses (Soundararajan *et al.* 2016). Many studies have looked at the actors who engage in institutional work and have identified the types of work they develop to influence institutions at the level of both fields and organisations (Hampel *et al.* 2017). In industrial relations literature, however, this theoretical lens has hardly been used. A notable exception is the work by Helfen and Sydow (2013) investigating three negotiation processes around IFAs in resource extraction, automotive and chemical industries. The study analyses the struggle of labour and management to realise new institutional outcomes through collaborative interactions and negotiation. Its focus lies on negotiation processes and outcomes between global union federations and multinational companies. Building on the work of Helfen and Sydow (2013), we argue that before a negotiation process can even start, actors at the local level need to engage in pre-negotiation work in order to build the foundations for social dialogue. This is especially relevant in anti-union contexts such as Costa Rica where actors are not used or have been discouraged to engage in social dialogue. By adopting a micro and agentic lens, we study the role of actors, their actions and the outcomes in a dynamic manner. It also helps to move away from a top-down approach emphasising sanction mechanisms to actually consider the interplay between compliance and committed-oriented approaches.

3. Research context: the pineapple sector in Costa Rica

Costa Rica became the world's leading exporter of fresh pineapple after a production boom of the new 'golden' MD-2 variety initiated by the dominant banana multinationals in the 1980s. In 2016, pineapples accounted for 8.3 per cent of the country's exports and are its second most

important export product after bananas (8.5 per cent). The pineapple cultivation area has expanded to 45 000 ha in the past three decades and created an estimated 32 000 direct jobs (CANAPEP 2018). The sector has attracted many Nicaraguan migrants, who crossed the border to seize job opportunities but often found themselves working in precarious conditions (Voorend *et al.* 2013). Although Costa Rica ratified ILO Conventions No. 87 and 98 concerning freedom of association and collective bargaining in 1960, less than 1 per cent of all private sector workers are unionised (OECD 2017). This can be partly explained by the existence of solidarity associations to which a large number of workers belong. These ‘solidaristas’ are alternative worker organisations, with membership fees partly paid by the employers. The benefits of these solidaristas are considered more tangible (e.g. saving and credit schemes) than the protection of labour rights by trade unions (Martens *et al.* 2018). However, these associations are not recognised by the ILO as independent worker representation because of possible management interference (Robert 2008). The Costa Rican political environment has not been conducive to trade unions either, as exemplified by weak state enforcement, slow judicial procedures, unfavourable legal provisions, and little political will to undertake far-reaching labour reforms (Martens *et al.* 2018). The Labour Code (art. 56) stipulates that unions are allowed to initiate the process to obtain a CBA when at least one third of all workers so request. However, union density rates are far below this threshold. This explains why so few CBAs are signed in the private sector (OECD 2017).

Empirical setting

In 2006, the European Banana and Agro Industrial Product Action Network (EUROBAN) targeted European buyers of Dole bananas in a consumer campaign criticising the poor working conditions and violations of trade union rights at Dole’s plantations (EUROBAN 2006). Dole is

the second largest exporter of pineapples and bananas in Costa Rica, employing 8300 workers at its locally owned production sites. The campaign escalated in Norway where BAMA, a major Norwegian fruits and vegetables importer decided to take action. BAMA is one of Dole's biggest customers in Europe. It developed its own ethical CSR model, based on the key principles of dialogue and collaboration. The actions BAMA and its Norwegian partners (NORAD development agency, Norwegian trade union (LO) and employers' organisation VIRKE) took after the EUROBAN campaign planted the seeds for dialogue at the Dole-owned banana plantations and later spread to two of its pineapple plantations in La Virgen and Boca Arenal in the Huetar Norte region (Figure 1). At the Dole-La Virgen pineapple plantation, 25 of the 400 workers were members of the SITAGAH union as of January 2016, while at the Dole-Boca Arenal pineapple plantation, 80 of the 600 workers were members of SINTRAPIFRUT, which merged with the logistics union SINTRASTAFCOR at the Port in 2015. The dialogue process was supported by local union consultants who also work with banana unions, and periodically involved representatives of ILO Central America and Costa Rica's Ministry of Labour.

Insert Figure 1 about here

4. Methods

Data collection

Data were collected during three collection rounds in 2015-2016 in the Huetar Norte region, the border area with Nicaragua where the largest pineapple expansion took place. During the first exploratory data collection round in May 2015, 29 stakeholders (including representatives of trade unions, producers, the Ministry of Agriculture, Labour and Trade, and ILO Central

America) were interviewed and three plantations were visited to gain insights into labour conditions in the pineapple sector.

The second data collection round (January-June 2016) consisted of 385 face-to-face interviews with workers across several pineapple plantations to investigate their working conditions. This included a sample of 65 plantation workers employed by Dole. Additionally, four focus groups (each consisting of 5-8 participants) were conducted with four unions in the region. The focus groups aimed to identify the different union trajectories and discuss their weaknesses and strengths. Although data from round two are not detailed in this study, they helped us to deepen our understanding of the local context. This second round of data collection also enabled us to identify the case of social dialogue for the third round.

During the third data collection round (November 2016) we interviewed representatives of the three actors and external advisors involved in the case. The respondents included Dole Costa Rica's HR manager, BAMA's CSR manager, three local representatives of the SITAGAH and SINTRASTAFCOR trade unions, a Norwegian trade union representative, two labour ministry officials and three local trade union consultants. These semi-structured interviews were conducted by the lead author and lasted 30 to 120 minutes. Each respondent was first asked to narrate the history of social dialogue by highlighting the major events in a timeline. The interview questions focused on actions and outcomes of social dialogue, stakeholder's attitudes towards social dialogue and perceived internal and external challenges. The interview data were complemented and triangulated with 22 secondary sources (press releases, campaign reports, company CSR reports) which helped us to ensure data validity.

Data analysis

The data analysis was organised around three steps. Each of these steps involved continuous discussions among the authors.

Step one involved a detailed reading of the collected material to develop a story line (see Appendix). These chronologically organised events were then decomposed in different phases using a temporal bracketing strategy (Langley 1999). We followed a process model approach, which is commonly used to study institutional change in conflictual situations involving two or more opposing parties (Hargrave and van de Ven 2006). The frequency of interaction (regular vs. irregular) between the actors (Dole/union, union/BAMA, BAMA/Dole) was used as bracketing criteria to identify the phases. Four phases were distinguished: (1) a phase of embryonic dialogue during which dialogue was non-existent, (2) nascent dialogue, (3) a nurturing phase and (4) an autonomous phase where dialogue became more independent and mature.

In a second step, we identified the types of institutional work developed by the actors. It involved a continuous process of going back and forth between the data and the theory (Slager *et al.* 2012). This process was important to provide us with inspiration (from existing studies) but also to each time refine the identified institutional works. We followed Gioia's methodology (2012) and used the qualitative analysis software NVivo 11. For the first order data, we used the words of the respondents (informant-centric) and specified the micro-actions to create the codes. These micro-actions were categorised into second order themes. The third order, the aggregated dimensions, represent the forms of institutional work (Figure 2). Four types of institutional work emerged. *Convening work* consists of actions that aim to connect parties and create space for the development of new social dialogue practices. *Empowering work* represents actions that aim to build capacities. *Enabling work* provides a range of actions that contribute to the establishment of rules and procedures for social dialogue. Finally, *monitoring work* refers to actions that ensure

compliance with new social dialogue practices. Some of those institutional works were directly inspired by the existing literature.

Insert Figure 2 about here

In step three, we explored the dynamics of the process with the objective to better understand how the relationship between the actors changed over time. We focused our attention on the turning points in the relationship that shaped the process and enabled a shift from one phase to the other (Abbott 1997). Turning point mechanisms reflect the critical elements that enable the course of a process to change (Guérard *et al.* 2013). Turning points do not work in isolation but should be understood as a process emerging from the institutional works in which actors engage, and which directly influenced the triadic interactions between the three actors. Each period had a distinct turning point—breaking walls, creating frames of understanding, building repertoires of actions and mobilising—which each contributed to different intermediate outcomes: institutional power change, cognitive change, relational change and potential associational power change, respectively. We distinguish institutional from associational power change; institutional power change refers to the formalisation of the status of unions as dialogue partners, providing them with formal and agreed rules, which they could invoke to request the dialogue to take place (Brookes 2017); rather, associational power is related to what Wright (2002) defined as ‘the various forms of power that result from the formation of collective organizations of workers’ (p.962). It is further operationalised as “the number of union members and efficient organisational structures” (Zajak 2017: 1014).

The intermediate outcomes were stepping-stones, allowing in each phase a set of institutional works to reach a next turning point. This also allowed the buyer's role to evolve from an indispensable to a more distant actor but still holding the capacity to sanction if necessary. Drawing from our analysis and bringing together our results, we were able to produce a dynamic account of the process whereby the foundations for social dialogue were built.

5. Four phases in the social dialogue process

The launch of the EUROBAN campaign in 2006 was the start of a long process of change to enable social dialogue to start within Dole-owned plantations in Costa Rica. It evolved in four distinctive phases—from embryonic, nascent, nurturing to autonomous dialogue—around which we have organised our findings (Figure 3). For each phase, we describe the institutional works at play, characterise the relationship between the actors and analyse the turning points and intermediate outcomes that were produced throughout the process.

Insert Figure 3 about here

Embryonic dialogue – 2006 to 2007

Institutional works at play

During the first phase, actors engaged in three different types of institutional work: monitoring, enabling and convening. Before the EUROBAN campaign, Dole and the unions had a confrontational relationship. Dole avoided social dialogue and did not recognise the unions as negotiation partners. In response to the campaign, BAMA appointed a CSR manager with years of experience in labour relations as former ILO official in Latin America. His nomination and involvement transformed the relationship from a dyadic (unions - Dole) to a triadic interaction

structure (unions - Dole - BAMA). The CSR manager's expertise and knowledge were critical in advancing and dealing with social dialogue issues at the Costa Rican Dole plantations. The CEO of BAMA and newly appointed CSR manager went to visit the Costa Rican Dole plantations. They requested information on the current dialogue practices between Dole and the unions (monitoring work), which was at that time irregular and largely absent.

'After this criticism [raised in the campaign] we [BAMA] went into Costa Rica to meet with Dole, to find out what was going on; because in an interview with trade unionists in Costa Rica they were complaining a lot about Dole and saying that they were preventing them from forming trade unions.' (CSR manager BAMA)

BAMA used its position as one of Dole's lead buyers to make buying conditional upon respecting social dialogue and pushed for a symbolic agreement between local unions and management. In 2007, the newly established relations between local unions and management were formalised in a national framework agreement (enabling work). The CSR manager succeeded in bringing the different parties around the table to initiate a dialogue (convening work).

'To go from zero contact to start having a dialogue, we needed a document that would confirm that both parties are having a dialogue and that they want to achieve certain things. The agreement is basic; they confirm that they respect each other and the right to organise a union. All the issues are mentioned but it does not frame a solution. It just confirms that they have a mechanism in place that they need to do something.' (CSR manager BAMA)

Relationship between actors

During this phase, BAMA's brokerage role concentrated on bridging the local union-management relationship and connect the parties in order to stimulate their engagement in institutional works. BAMA acted as a liaison between the parties spanning the hole between unions and management.

'In the beginning the unions called me or sent me an email when they had problems to enter a farm and I immediately contacted Dole.' (CSR manager BAMA)

Although dialogue as such was not yet established, this phase was a first step for the different parties to acknowledge each other. It was relatively short but essential to start the process of change.

Turning point: Breaking the wall

Based on this first phase, we can see the emergence of an initial turning point in the process which we call breaking the wall. By using compliance mechanisms, Dole management and unions were forced to consider each other and the wall which obstructed dialogue between them was torn down. This turning point was triggered by the presence of BAMA acting as a bridge between the parties and exerting commercial power for the consideration of social dialogue. By bringing the unions and management together and engaging in a combination of institutional works, the embryonic phase led to a framework agreement outlining the commitment of Dole to respect social dialogue. This document created a change in terms of institutional union power (Brookes, 2017). The framework agreement served to structure the actors' interactions by establishing a basis for a more coordinated, institutionalised approach to industrial relations. The agreement contained a number of rules that unions could utilise to pressure management, but remained a non-binding agreement not addressing sensitive labour issues. At this stage, social

dialogue was still inexistent, but actors acknowledged each other, which was as such an important step to initiate dialogue.

Nascent dialogue – 2007 to 2012

Institutional works at play

Actors engaged in three types of institutional work during this phase: convening, empowering and monitoring. Although the parties signed an agreement with the commitment to respect social dialogue, there was rarely any interaction between Dole and the unions. At this stage, they simply refused to talk to each other.

‘The first four years nothing happened between Dole and the unions if I was not here. Only when I came was there a meeting. Otherwise there was nothing. The dialogue was going on each time I came.’ (CSR manager BAMA)

To foster communication between the unions and management, the CSR manager tried to build trust between the parties and erode prejudices from different sides (convening work). The conflictual labour-management relationship was slowly transforming, but the interaction was mainly indirect as BAMA was always present to facilitate it.

‘There was a lot of prejudice, even the union thought they knew how Dole was thinking and the same vice versa, Dole thinks they know how the union is thinking. I am in the middle and I have some trust from both sides and I can hear both sides and tell them they are both wrong.’ (CSR manager BAMA)

The unions realised that they could benefit from the buyer’s influence and bypassed local management to complain directly to the Norwegian actors. Because direct communication lines

were absent, they had no other choice than to call BAMA's CSR manager to air grievances, who then reached to Dole's management transferring the message. The union often called BAMA's CSR manager to air grievances, who in turn, convoked Dole's management to take appropriate measures (convening work). Unions were starting to express their concerns but always through BAMA.

'On the least little thing, the union representative would write a letter and ask us [Norwegian union] to write to the ILO and the Costa Rican government. It was very irritating for Dole when they hadn't had an opportunity to talk about the situation and try to resolve it locally.' (Norwegian trade union representative)

BAMA's CSR manager was carefully keeping hands-on control of the social dialogue progress. He introduced regular follow-up meetings in Costa Rica to ensure compliance with trade union rights and social dialogue (monitoring work). A number of external actors got involved in facilitating the discussions in joint meetings and annual seminars (empowering work). The Norwegian trade union (LO) and employers' organisation (VIRKE) provided resources and gave advice to both parties. ILO and Costa Rica's Labour Ministry occasionally attended the annual seminars and gave talks on the importance of social dialogue.

'LO and Virke visited Costa Rica once a year and participated in the first joint seminars and then there were seminars with each partner: the Virke representative could talk to the employers and I [LO representative] could talk to the workers and we would come back together and have joint seminars about how the situation actually was and what could be done to improve it.' (Norwegian trade union representative)

Local consultants with experience in social dialogue and longstanding relations with the unions assisted them in training their members and improving negotiation skills. Those external actors helped the actors, especially the unions, to gain confidence, share experience and build skills (empowering work).

‘The second important challenge is the capacity building of union members. This is where we experience most difficulties, they are not sufficiently trained on how to negotiate in meetings.’ (HR manager Dole)

However, unions reported that supervisors and plantation management did not always respect the new social dialogue commitments and still discriminated against their members. They referred to this inconsistency between what Dole committed to and the anti-union practices in the field as Dole’s ‘double discourse’. The internal, less visible resistance against social dialogue demonstrated that more work was required to change the mind-set at all levels, including supervisors and management in the field.

‘The relations between the local plantation managers and the leadership at Dole are not always what we think; the plantation managers can say one thing and do something else and the leadership in Dole never finds out.’ (Norwegian trade union representative)

Relationship between actors

During this phase, BAMA played the role of facilitator to discuss challenges with openness but keeping a tight control on what was happening. BAMA persuaded both unions and management to communicate with each other in a constructive manner although it remained an indirect dialogue as it mostly went through BAMA. External actors played a central role in bringing knowledge, experience, best practices but also incentives. As mentioned by a Norwegian trade

union representative: ‘a crucial step was getting them to realise what the ILO core conventions were about and what obligations they had’.

BAMA also provided incentives to stimulate future collaborations through joint problem-solving and capacity-building to facilitate dialogue. According to the Dole HR manager, the relationship with BAMA was beneficial because they provided secure long-term contracts, forward planning of orders, fair prices, potential market expansion in Scandinavia, better knowledge on consumer preferences, and access to a network of external support.

Turning point: Creating frames of understanding

The framework agreement that was produced in the first phase was not sufficient to encourage social dialogue. Given the anti-union context of Costa Rica and the limited experience with social dialogue, it was necessary to create a shared understanding of what social dialogue actually meant. The combination of institutional works in this phase enabled the emergence of a common ground between the actors which became indispensable to shape the understanding of social dialogue. One of the major outcomes was a cognitive change in the mind-set of unions and management. Their attitudes slowly modified in favour of social dialogue and the labour issues were taken more seriously.

‘We need dialogue to solve conflicts, or at least to prevent it from being very strong and turn into big problems beyond two contrasting visions.’ (HR manager Dole)

Creating frames of understanding served as a turning point mechanism and enabled actors not only to consider each other but also to view social dialogue in a positive way. Nevertheless, the dialogue was still very nascent and hesitant at this stage and did not yet lead to any concrete improvements in working conditions.

Nurturing dialogue – 2012 to 2014

Institutional works at play

In this phase, actors engaged in the four types of institutional works actors. The dialogue developed towards more regular communication between unions and Dole management. BAMA's interventions mainly contributed in preventing conflict escalation and addressing supervisors' anti-union tactics by requesting not to obstruct union organisation. Bama's CSR manager attempted to solve problems by talking to both parties and persuade them to find solutions (monitoring work).

'We are not pushing the workers into a trade union. We are not pushing Dole to go out and talk to the trade union. We just say to Dole, don't intervene, don't block it.' (CSR manager BAMA).

'BAMA is a peacekeeper. BAMA makes recommendations to both parties and usually tries to keep the good relations between Dole and SINTRASTAFCOR. [...] The idea that BAMA has demonstrated is to work hand in hand and move forward.' (Trade union representative)

In 2012, the procedures for social dialogue were refined in a new framework agreement that was extended to unions at the pineapple plantations. According to the Dole HR manager, the unions demanded to revise some of the commitments set out in the initial agreement and included twelve additional articles concerning internal relations, capacity building, suppliers, environmental issues, the scope of implementation, communication and follow-up, and a complaint mechanism with decision-making principles. Dole integrated dialogue procedures into its company routines and discussed labour issues with trade unions on a more regular basis in meetings between unions and the Costa Rican HR manager in charge of settling disputes (enabling work).

‘Every three months we meet and evaluate the procedures. Once a year we evaluate the dialogue progress. We communicate to the union what has not been working for us for these reasons and the unions respond by saying what has not been working for them. [...] If we receive a request from the union, we have to respond within eight days, either attending a meeting or proposing a solution.’ (HR manager Dole)

As a result, new communication channels were established across different organisational levels within Dole to facilitate consultation and information sharing from the field to the Costa Rican HR manager dealing with the local union issues (convening work).

‘Social dialogue requires that even the managerial levels at the plantation are involved; the human resources office at the plantations are in continuous conversation. [...] In every plantation there is a person in charge of human resources to inspect the labour issues when there is a request or complaint, and to design an action plan.’ (HR manager Dole)

The Norwegian trade union and development agency organised training events for union members on how to strengthen collective organisation, recruitment strategies, leadership and negotiation tactics. This provided them with new skills and made unionised workers more confident in asserting their rights. Dole independently organised training for supervisors to explain what respect for social dialogue means (empowering work).

Relationship between actors

During this phase, the brokerage role of BAMA changed again. They acted as a mediator to temper Dole’s internal resistance and assist management and unions to develop their own solutions reconciling different viewpoints.

‘BAMA’s CSR manager called the Dole HR manager and said he had to reinstate the dismissed worker. So the CSR manager started to negotiate, as if he was a mediator.’

(Trade union consultant)

Unions and Dole management were now able to openly and directly discuss complaints and disputes as well as share their interests in regular meetings. Nonetheless, the dialogue remained fragile and continued to face challenges. As voiced by a Norwegian trade union representative:

‘Changing an attitude that has existed for so many years takes time. It is two steps forward, one step back, two steps to the side. It is really difficult to manage’.

Turning point: Building repertoires of actions

The changes that occurred in the previous phases started to bear fruit and regular activities and procedures for social dialogue started to emerge. During this phase, Dole and the unions started to develop repertoires of actions which we describe as the new turning point mechanism in the process. For example, concrete solutions were discussed within the reach of the company, such as a reduction in maximum working time for pesticide applications, reinstatement and compensation payment of dismissed union members, and negotiations on piece rates. This led to a relational change from confrontation to collaboration since the indirect and irregular interaction between Dole and the unions at the beginning of the process transformed into a more direct, regular relationship to solve problems.

‘We signed the framework agreement, but we have to meet continuously to solve problems because the agreement as such does not solve the issue. We have to understand the differences of each side almost every week. But at least we have a space to discuss about this. [...] Without the social dialogue process we would follow normal procedures

and go to court in case of a dispute. In the presence of dialogue, there is more interaction and more options to resolve problems.’ (HR manager Dole)

According to Dole’s manager ‘confrontation is now a second option in order to create space for social dialogue in the first place. Eventually, unions can return to confrontational strategies if dialogue does not produce solutions for them.’

Autonomous dialogue – 2014 to 2016 (on going)

Institutional works at play

During this period, actors engaged in three institutional works (convening, empowering and monitoring). The phase started in 2014 but was still going on at the time of data collection. As actors grew accustomed to those new relationships, dialogue started to take place independently of BAMA. Time was ripe for BAMA to be less involved and slowly let the actors develop their own practices. However, BAMA made it clear to both management and unions, that they were available as ombudsperson and advisor and could be called upon if the dialogue got stuck and external advice was needed to get the dialogue afloat (monitoring work).

‘The last two years unions haven’t reported problems entering the farms or meeting the workers. Dole has even gone to meetings and the HR manager is meeting unions two or three times a week. [...] The next step, they will have to take without Bama. For us it is not appropriate to push more to our supplier, we feel that we at least at the moment are not breaking any laws or regulation, then we have to take it case by case. I am always open, I said it to the unions and Dole. If there are issues, just tell us.’ (Bama CSR manager)

Dole and the unions engaged together in promotional activities to raise awareness of trade union’s rights at the plantations. Dole offered unpaid leave to workers wishing to attend union

meetings, unions invited the Dole HR manager to activities and both parties held joint information visits to plantations to increase the unions' visibility (empowering work). According to a trade union consultant, 'it is almost outrageous for a company in Costa Rica to present the union to all workers and allow them to visit plantations and hand out information brochures on becoming a member of the union'.

'After BAMA we could reach the workers in the field. Before, we had no contact, but now they give us the chance to visit the workers in the field. Dole is supporting us now.'

(Trade union representative)

Despite all those actions, the unionisation rate was still below one third of the workers, insufficient to legally qualify for a CBA at the plantations. Unions faced representativeness issues, as exemplified by the results of our survey with plantation workers. We noted that only half of the 65 Dole workers surveyed had heard of a union, whereas all workers surveyed were aware of the existence of the solidarity associations. When asked why they did not join a union, respondents' reasons included fear of retaliation, negative perception, no results or help, and no problems or need for union representation. This negative image prevailing among plantation workers was an important barrier to increase trade union membership.

In an attempt to unite smaller unions in different agricultural sectors, a sectoral union federation, FENTRAG, was formed and started to develop joint organisational strategies. As a result, SINTRASTAFCOR, the stronger Dole logistics union at the Port, which has a CBA since many years, merged with the weaker pineapple plantation union, SINTRAPIFRUT (convening work). The plantation union was able to leverage the logistics union's power and credibly threaten Dole with a strike at the Port if dialogue did not produce a solution.

Relationship between actors

Once again, the brokerage role of BAMA changed into an advisory role. As noted by a trade union consultant: ‘Real social dialogue should come from within, from the people. You cannot sustain it externally.’ Slowly, BAMA withdrew itself from the triadic relationship to give more space to the two other parties to develop their own relationship and ways of working together. It did not entirely exclude itself from the process, but kept a distant role and only intervened as a last resource.

‘I am just an advisor, I don’t want them to call me too much directly, I need to be neutral in the middle.’ (CSR manager BAMA)

Turning point: Mobilising

During the autonomous phase, unions tried to attract members in an attempt to meet the legal requirement for achieving a CBA. Although social dialogue was maturing, at the time of the data collection, unions did not managed to mobilise enough workers, which obstructed them from achieving the next turning point in the process. According to the Dole manager, unionisation rates had only slightly increased between 2006 and 2016. As a result, the unions could not sufficiently build their associational power.

Ideally, the outcome of this ongoing phase would be the consolidation of social dialogue into a CBA, a more durable and legally recognised arrangement than the symbolic framework agreement. A CBA would provide unions with a legally recognised tool to claim concrete improvements in working conditions and institutionalise the workplace social dialogue. It also binds management and workers to fulfil the negotiated terms and conditions in a given period (ILO 2017). Yet, mobilising sufficient workers to join a union remained a challenge in the anti-union context of Costa Rica. A Norwegian trade union representative suggested that ‘the unions have to work more actively to organise workers, because they are not as strong as they could be.’

Several factors constrained mobilisation: the negative perception attached to unions, workforce characteristics (limited education and awareness, migrants, flexible contracts) and weak government enforcement. Moreover, the pertinence of solidarity associations remained a major barrier to union organisation in Costa Rica. Workers were not aware of how the goals of solidarity associations differ from those of unions (saving fund vs. independent workers' representation). Unions in general lacked efficient and innovative strategies to mobilise workers into the union, because leadership solidified in old traditions of capital-labour confrontation not adjusted to the new generation of workers and were largely dependent on support from international alliances. Further progress in the social dialogue process will be conditional upon the unions' mobilisation efforts to strengthen union organisation and increase membership.

6. Discussion

This article sets out to answer two research questions: What is needed to set in motion institutional change towards workplace social dialogue at the bottom of GVCs? and How can international buyers act as brokers to overcome barriers to social dialogue at workplace level and drive the change? As an answer to the first question, our study confirmed the complexity of building solid foundations for social dialogue at local level in an anti-union context. The process revealed in this study was by no means smooth nor straightforward. Our findings have shown four different institutional works actors engaged into initiate the process of social dialogue—convening, empowering, enabling and monitoring work. The combination of institutional works generated turning point mechanisms enabling changes to occur in terms of institutional union power, cognitive, relational and (potential) associational union power change. Based on our findings, we develop a process model to representing how to build the foundation for social dialogue (Figure 4).

Insert Figure 4 about here

Regarding the second question, we find that the brokerage role of the buyer evolved over time through four different forms: bridging, facilitating, mediating and advising. Its engagement in different institutional works demonstrate the importance of balancing both compliance and commitment approaches to initiate workplace social dialogue at supplier sites.

Opening the doors to social dialogue: from institutional work to turning points and outcomes

As shown in figure 4, the three components, institutional works, turning points and outcomes are required to build the foundation for social dialogue. Although our case study had not reached the expected outcome at the time of the data collection, we argue that the process was successful in planting seeds for social dialogue. Union recognition is as such an important achievement (Cradden and Graz 2016; Miller 2008). The institutional works we identified are in line with the essential elements for social dialogue drawn from literature, including an enabling environment to dialogue and the critical role of building trust, the unions being sufficiently empowered and legitimized representatives of the workers, a management willing to negotiate, and settled communication channels (Adam and Jones 2019; Alexander 2019; Miller 2008).

We introduce a relational perspective on institutional work by focusing on the triadic relationship between the international buyer, local unions and supplier management and highlighting the turning points in the triadic relationship. In this way, we respond to the call for more empirical evidence on how collaborations are built step by step among heterogeneous actors in the field (Guérard *et al.* 2013; Hampel *et al.* 2017; Zietsma and Lawrence 2010). We also contribute to the theorisation of the process through which social dialogue emerges at workplace level in the aftermath of a campaign (Reinecke *et al.* 2017). We add a processual dimension to what is

required to start social dialogue in an anti-union context and argue that a framework agreement is not sufficient to start social dialogue. Taking the time to develop a process through which actors can relate to each other, construct meaning and build respect is necessary to build the foundations for social dialogue. It allows actors to engage in institutional works and thereby creates a supportive environment for negotiating working conditions. Nevertheless, complex institutions, such as social dialogue, require continuous maintenance work to endure and not fall apart (Hampel *et al.* 2017). It therefore would be interesting to study how actors move from creating a new institution to maintaining it and thereby adopt or develop new institutional works.

The brokerage role of the buyer

Previous studies mainly considered the role of global union federations and NGOs involved in transnational industrial relations (Ashwin *et al.* 2019; Riisgaard 2005; Niforou 2012; Helfen and Sydow 2013), whereas the direct interactions between international buyers, local unions and management in the field are often overlooked. By focusing on the direct engagement of the buyer in connecting local unions and management, we provide unique empirical evidences on different facets of supply chain brokerage that can be performed by a buyer promoting social dialogue (Reinecke *et al.* 2018). Our case allows us to bring a more nuanced understanding of the notion of brokerage contributing to the recent literature highlighting the importance of brokers and the multifaceted dimensions of brokerage (Obstfeld, Borgatti, and Davis, 2014; Reinecke *et al.*, 2018). The literature has dominantly represented brokerage as a particular structural pattern in which an actor, the broker, connects two otherwise disconnected parties (Reinecke *et al.*, 2018). Moreover, brokerage has been described in a static manner despite the different forms it can take (Saunders, Tate, Zsidisin, & Miemczyk, 2019). It is only recently that scholars have started to uncover a more complex and subtle understanding of brokerage. Our study highlights and

enriches our understanding of brokerage by identifying four forms—acting as a bridge, facilitator, mediator and advisor in the local union-management relationship—and by showing that brokerage is dynamic and changing. Brokers can endorse several roles over time. They adapt and evolve depending on the situation and the way actors interact. Our findings therefore call for more longitudinal and process studies (Langley, 2009) to further analyse the temporal evolution of brokers, but also confirm the multiple forms we have identified and further refine the brokerage roles.

Meanwhile we would like to raise cautions regarding the legitimacy of buyers to promote social dialogue. Buyers are not neutral nor independent actors as they are directly involved in a business relationship with their suppliers. Reinecke *et al.* (2017) argued that buyers are not appropriate actors to represent either workers or management, because they can influence the negotiations into their own favour. In our study, the buyer did not unilaterally define social dialogue nor fund it directly, but invited the Norwegian union and enterprise federation to provide external support. The buyer stressed that it did not want to push suppliers to have unions, but only required them to respect freedom of association. Maintaining neutrality and gaining trust from both sides is thus an important condition for buyers to act as brokers (Hammer 2008).

Moreover, buyers face certain limitations with regard to the changes they can bring. As noted in the findings, a CBA was not reached in our case. However, the preconditions for a CBA are determined in the Labour Code, such as the required number of unionised workers, and may pose legal restrictions on unions to start negotiating as in our study. The extent to which an (international) buyer can intervene in the national context is limited since the national labour legislation is designed and enforced by the producing country government. The effort of one buyer alone will not suffice to enable social dialogue in the entire sector. To create change at a sector and national level, it would be interesting to study how multiple buyers and suppliers but

also other actors such as the state and business associations could work together to overcome the institutional constraints on social dialogue at sector and national level. This reinforces the importance of the emerging work on collective action of buyers and sector-wide solutions (e.g. Action Collaboration Transformation on living wage in Ashwin et al., 2019).

Balancing compliance and commitment approaches

Our study stresses the importance of combining both the compliance and commitment approach. In our case, the buyer exercised its commercial power and applied a compliance approach to kick-start a social dialogue process at workplace level. Elements of this approach were reflected in the buyer's monitoring and enabling work to ensure compliance with the new agreement and the threat of contract loss in case Dole failed to meet the social dialogue requirements. Sanctions were used as threats but never reached the point of implementation. Moreover, the buyer did not rely on third-party auditors as commonly done in traditional compliance approaches consisting of codes of conduct and certification schemes (Locke *et al.* 2009; Lund-Thomsen and Lindgreen 2014; Reinecke *et al.* 2017). Alternatively, the buyer employed an experienced CSR manager in charge of directly monitoring compliance. Yet, the compliance approach was balanced with a commitment approach through providing incentives that would stimulate Dole to respect the social dialogue requirements. The commitment approach involved mainly convening and empowering works, which encouraged the actors to dialogue and provided the necessary resources, information and skills (Locke *et al.* 2009).

One of the distinctive features of the buyer in this study compared to previous literature is its capacity to juggle between the compliance and commitment approach (Hultman and Elg 2016; Locke *et al.* 2009; Lund-Thomsen and Lindgreen 2014). Compliance was necessary to start the

process and get parties to formal agreements. It played a dominant role in two specific phases, embryonic and nurturing, while was less significant in the others. It was used in an intermittent manner although the threat of sanction remained constant. On the contrary, commitment was used in a regular and continuous manner. Aiming at capacity-building and long-term collaborations with joint-problem solving efforts, it helped to create gradual deepening of relationships, empower actors and build trust. We can see that compliance helped to shake-up the process while commitment contributed in stabilising and grounding it. The two approaches were complementary and contributed in pushing the process forward. Balancing the approaches is not an easy task. The brokers need provide a certain level of effort and demonstrate certain skills.

By showing the dynamic interplay between the compliance and commitment approach, the model provides an innovative perspective on the emergence of local workplace social dialogue and corroborates that buyers can combine different roles/approaches in parallel to create change in supplier sites (Alexander 2019). It highlights that both approaches need to coexist to change the behaviour of local unions and management as they serve complementary purposes. Such behavioural change does not happen overnight as demonstrated by the length of the process in our case study. It also moves step by step as revealed by the turning point mechanisms that allowed a shift from one phase to the other.

Limitations and avenues for further research

This study is not without limitations. Firstly, our findings are based on a specific national context and agricultural sector. Future research is required to explore the process of social dialogue in other national contexts and sectors beyond a single buyer's supply chain. Secondly, we acknowledge the limitations in terms of the data. We have used interview data based on

respondents' memories. Despite difficulties in gaining access to workers and management, we were able to include the three actors' perspectives, which provided us with a unique set of heterogeneous data. However, an ethnographic approach, with the involvement of the researcher right from the start of the process, may provide a more profound understanding of the change process.

Although generalisations to other GVCs cannot be made, the study provides evidence of what it takes to establish social dialogue in an anti-union context. It complements existing studies by revealing the complexity of institution building at local level, in particular for social dialogue. The study highlights the relevance of studying triadic interactions between supply chain actors and the brokerage roles of international buyers. Future research can test the applicability of the identified institutional works and the potential roles of buyers in more fragmented GVCs. Since 'pre-negotiation' work formed the focus in this study, we call for more research on the durability of social dialogue and the maintenance work required to make collective bargaining last.

7. Conclusion

Establishing social dialogue at supplier sites is not an easy and straightforward process especially in rural economies and in anti-union contexts. This study brings back a relational perspective on institutional work to start social dialogue. We argue that it is essential to develop solid foundations for social dialogue to be durable and create change. This study suggests a process model of how social dialogue can be enabled through the interaction of three supply chain actors—local unions, supplier and buyer. Although no one-size-fits-all approach to social dialogue exists, we identify four types of institutional work—convening, enabling, empowering and monitoring—which fostered change to build the foundation for social dialogue. The study

provides insights into how a buyer can move beyond its traditional compliance approach and commit to a more active brokerage role as bridge, facilitator, mediator and advisor.

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Figures

Figure 1. Empirical setting of social dialogue process with involved actors

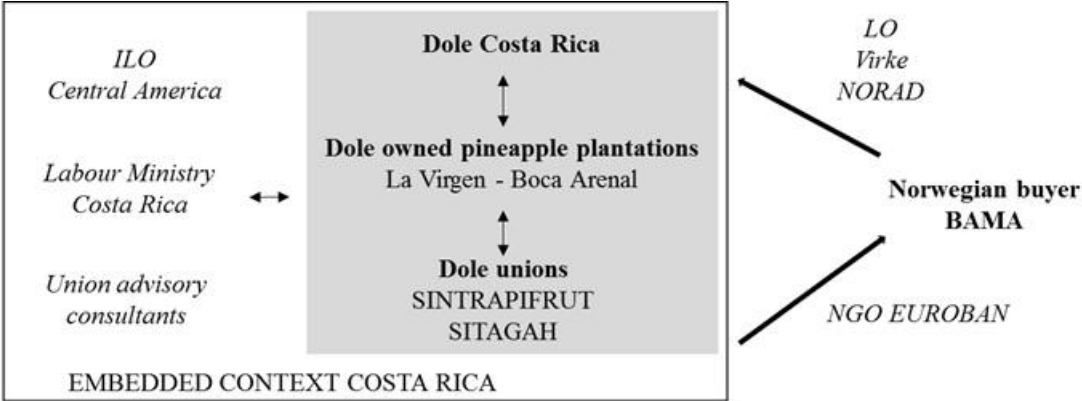


Figure 2. Coding structure

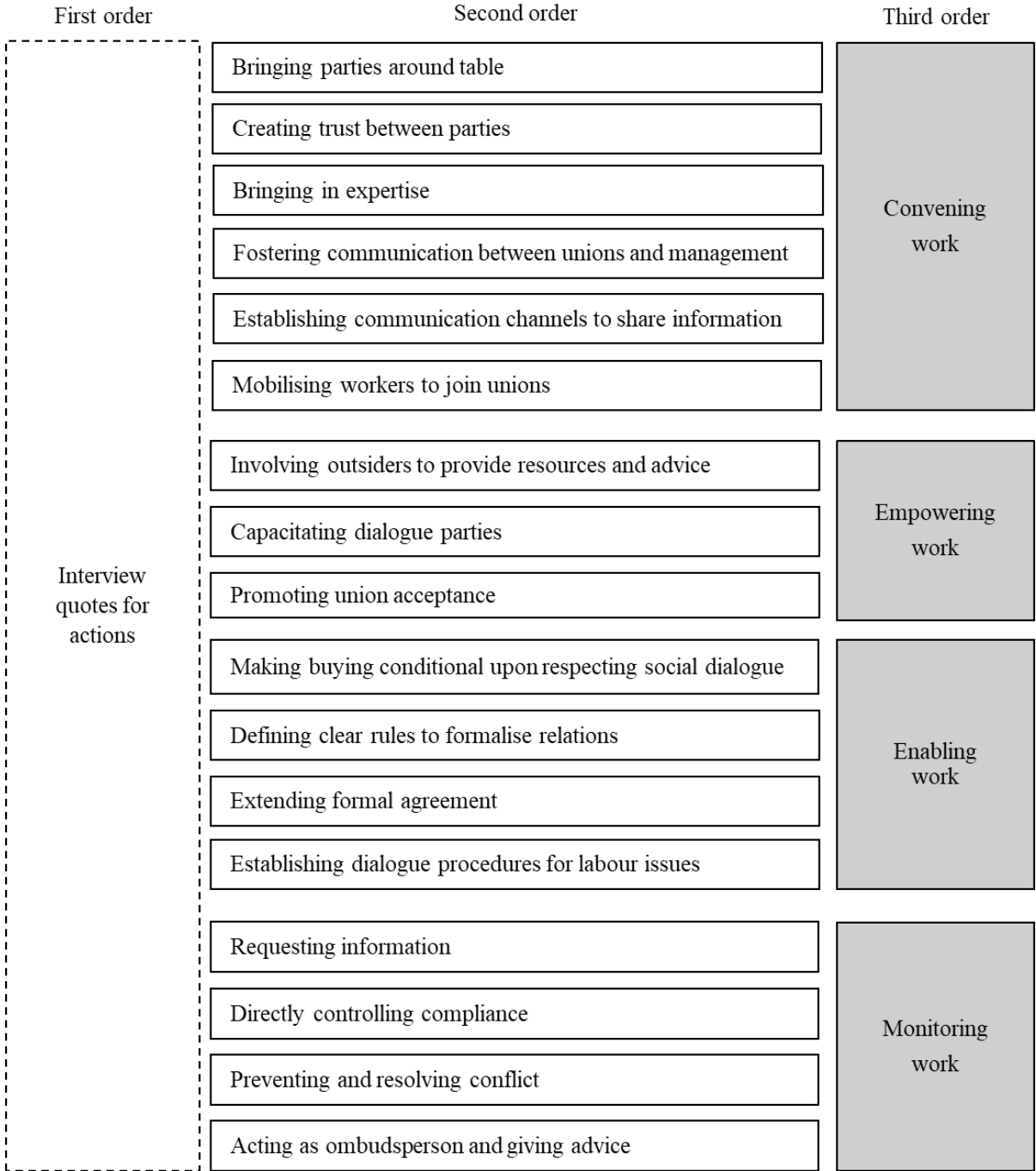
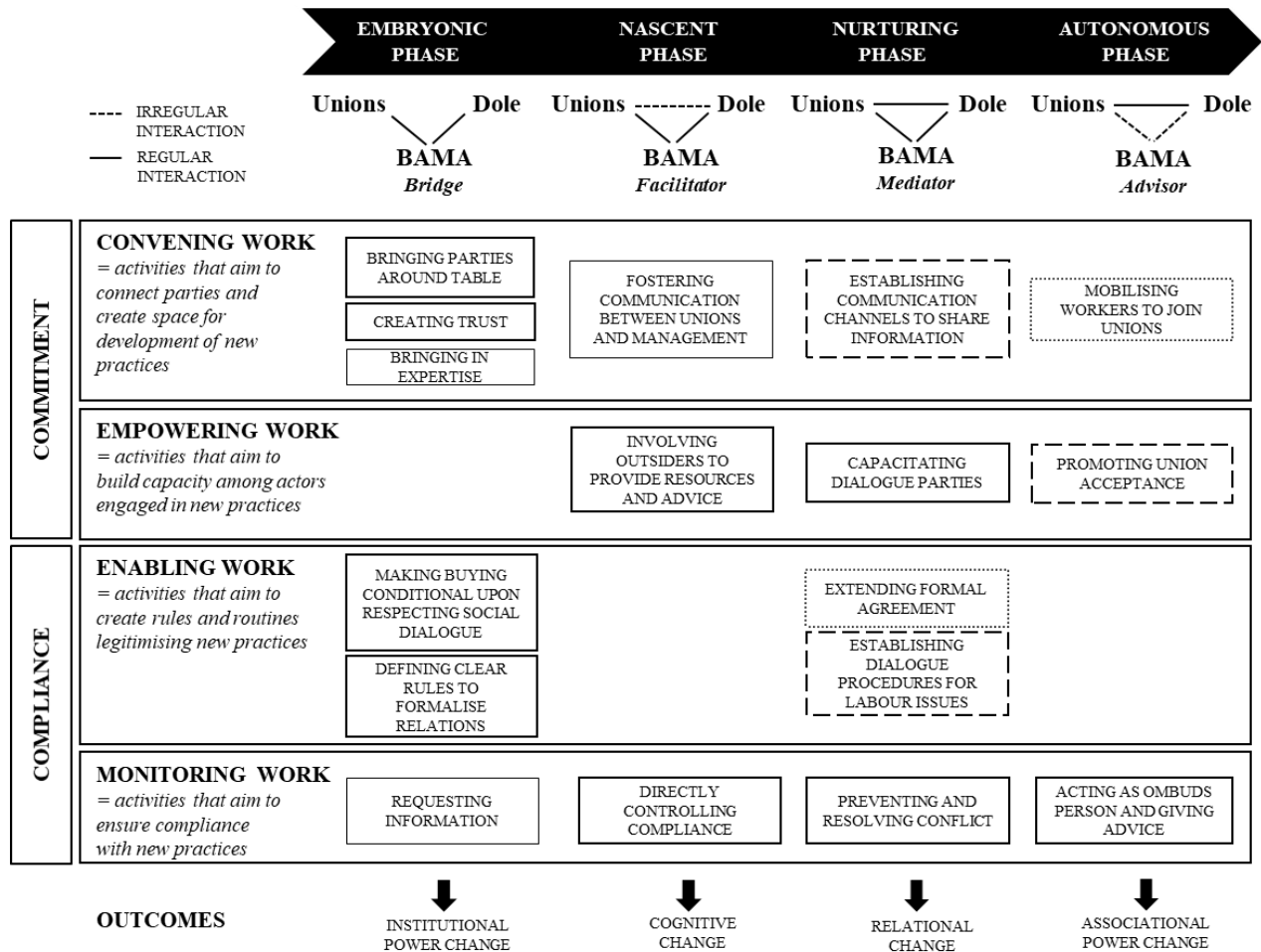


Figure 3. Triadic relationship, institutional works and outcomes along the four phases



Legend:

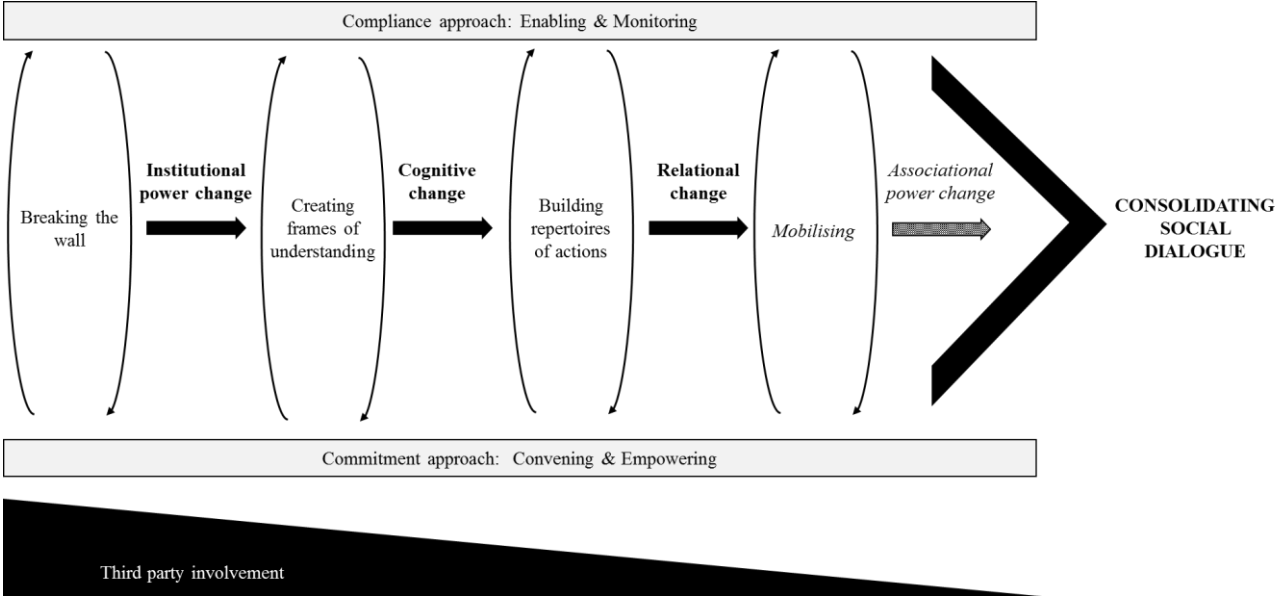
□ BAMA (solid)

▤ Dole (dash)

▨ unions

(dots)

Figure 4. Building the foundations for social dialogue: A process model



Appendix 1. Visual map of events

