Trade Union Responses to White Collar Off-Shoring

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Abstract

For some time, the trade union movement has been facing the challenge of re-positioning itself to attract and retain members, and to remain relevant, useful, and powerful. These difficulties have been exacerbated during the recent period of intense 'globalisation'. The political embrace of neo-liberalism, de-regulation of labour and other markets, increased capital flows, interaction between national and regional economies, and innovation and growth of information and communications technology, have created a very different, and constantly changing environment for labour. Services work in particular is increasingly mobile as a result of huge developments in information and communications technology. The white collar service sector is thus creating a particular challenge for trade unions, as the developed world increasingly buys its services off-shore. This article examines the features, extent, and effects of white collar services off-shoring, before going on to examine the responses of trade unions to this phenomenon. It looks at action taken by a number of unions in the USA, Australia, Europe and India, as well as internationally, before drawing conclusions regarding appropriate directions for unions to follow.

Introduction

The trade union movement has for a number of years been seeking ways to re-position itself, in order to attract and retain members and to remain relevant, useful and powerful (Gordon and Turner 2000; Fairbrother and Yates 2003). Many challenges have resulted from local factors including privatisation of formerly highly organised public sector workplaces; a shift of jobs from the traditionally unionised 'blue collar' sectors such as transport and manufacturing to the new 'white collar' service industries; and changing regulation of labour markets and industrial relations systems (Fairbrother and Yates 2003). These challenges have been exacerbated during the recent period of intense globalisation.

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technology, have created a new and constantly changing environment for labour (Gordon and Turner 2000: 4–14; Fairbrother and Williams et al. 2007: 31). Neo-liberal philosophies encourage deregulation of labour and other markets, and increasingly emphasise individuality and competition, as opposed to collectivism and government intervention. Interaction among markets, the easy movement of capital, and the growth of trans-national corporations make it increasingly difficult for labour issues to be negotiated locally, or even on a national or regional basis. Changing labour markets see traditional workforces diluted or replaced by workers previously disregarded by unions as irrelevant, hostile, or distant, while traditionally organised workers become more difficult to organise as employment in their areas becomes more contingent and precarious. Innovation in information and communications technologies has meant that some types of work, especially in the services sector, can be performed without reference to the location of end-users, and can thus easily be undertaken in any location, shifted between locations, and competed for by workers at any location. Each of these aspects of the globalising world has many deeper, more complex, and often contradictory facets.

Such changes present huge challenges for trade unions, while perhaps also in some instances providing opportunities for renewal (Arthurs 2001; Fairbrother and Yates 2003). Individual unions, and the trade union movement as a whole, have responded in a range of ways (Gordon and Turner 2000: 4–5). They have focused on ensuring their relevance at grassroots level through renewed emphasis on recruitment, participation and democratisation of members. They have undertaken rationalisations and amalgamations. They have refocused on local campaigns and have encouraged high profile coverage of political or economic 'crises' affecting their workers, highlighting the continuing importance of union representation (Fairbrother and Williams et al. 2007: 32). At the same time, unions and the union movement have focused on building broader ties among unions at sector, national, regional and international level. They have also formed links with other other social movements (Gordon and Turner 2000: 15), and at times with businesses themselves (Fairbrother and Yates 2003: 21). Some of these responses may seem contradictory, but they are in fact a recognition that in a rapidly changing world, no single focus is likely to be enough to combat the many, varied, and increasing challenges which the union movement faces (O'Brien 2002: 234; Fairbrother and Williams et al. 2007: 47).

While challenges to trade unions may be seen across the movement as a whole, one specific area giving rise to very real challenges for unions is the white-collar service sector. The opening up of national economies and labour markets, the easy movement of capital, and particularly technological innovation and growth, have allowed and encouraged a huge change in the make-up and operation of this sector world-wide. In particular, there has been a major increase in the amount of service sector work 'off-shored', that is, previously performed locally but now commonly performed overseas. This article looks at the increasing 'off-shoring' of the service sector, at how trade unions have responded to it, and finally, at how trade unions should perhaps respond to it in the future.

The intention is not to provide a definitive empirical study of union responses to off-shoring, as this article covers only some countries, some unions, and some responses. Rather, the intent is to identify the kinds of responses which unions have made to white collar off-shoring, to enable a discussion of possible and useful responses to this phenomenon.

White Collar Off-Shoring

The off-shoring discussed in this paper relates to service work being performed in one country for firms in another country. The service work may or may not be outsourced. A firm may for example set up its own off-shore operations, buy services from an overseas operation, or buy services locally from a provider which off-shores. The main feature is that the actual work is performed outside the end-user's or purchaser's country.

Types of Off-Shored Services

Off-shored services take many forms. The example most familiar to many Australians is that of call centre workers who phone at dinner time, trying to convince respondents to change phone companies, book a holiday, or answer market research questions. This work, done by 'outgoing call centres' is a tiny part of call centre work. By far the majority of off-shored call centres take incoming calls, where callers may ring to ask about a local train or bus timetable, to order a pizza, to query a bank statement, or to request a quote from a travel agent. Any of these calls may be answered as easily by someone in India, or in fact anywhere in the world, as by someone in Australia, or in any particular city.

Business process outsourcing (BPO) are also commonly off-shored. BPO work includes maintenance of health records, assessment of insurance claims, airline ticketing, data processing, and human resource management. More recently, there has also been phenomenal growth in knowledge process outsourcing (KPO). This involves buying from overseas not only peripheral business processes, but often a firm's core knowledge work, such as legal compliance work, medical diagnostic services, or financial and equities analysis.

While very many different types of work are being off-shored, collectively the work described above is referred to as ITES, or 'Information Technology Enabled Services.' Although the various services may have little else in common, the off-shoring of call centres, business processes, and knowledge processes has all been facilitated by the huge and global growth in information and communications technology. Because of this technological innovation, these services can now be performed anywhere in the world.

Finally, and separately, there is information technology (IT) proper. While the work referred to above is IT-reliant, IT services and processes themselves are commonly off-shored. Thus much of the work of computer engineers, systems engineers, software developers, and programmers carried out for local companies will be performed off-shore.

While it can be seen that the services provided are diverse, there is also significant intertwining, as many companies performing work off-shore undertake services in more than one of these areas.

Extent of Off-Shored Services

The extent of services off-shoring is difficult to quantify for a number of reasons. Firstly, there appear to be no uniform international measurements in the area, and indeed even national measurements often do not align. For example, it is not possible simply to look to India's records of the services it exports to the USA or Australia, and to Australia's or the USA's records of services imported from India. None of these countries has just a single set of such figures. The figures they do have will differ according to how well records are kept, the categories of data being tracked, the classification given to various goods or services, the method of purchase or import, and the method of data collection. For example, Indian services may be bought by a multinational company through an office in a third country but for the benefit and at the cost of Americans or Australians. Such service transfers may not be recorded at all in Australian, US or Indian official statistics as trade in services. Even within one country, different organisations and government departments use varying classifications and categorisations (Bivens 2006).

The lack of solid and uniform statistics has meant that well-publicised (and frequently inconsistent) estimates have often taken the place of real information, resulting in considerable public concern. Estimates have suggested for example that 3.3 million jobs would leave America by 2015, that either 8 per cent or 15 per cent of financial services jobs would be off-shored by 2008, that 5 per cent of jobs in the telecommunications industry would be off-shored by 2008, that 10 per cent of technology jobs would be off-shored by the end of 2005, and that 25 per cent of traditional US technology jobs would be off-shored by 2010 (Parliament of Australia 2005). Many other estimates have also had high-profile releases, not rebutted by data but over-taken by the next estimate, and the next. The overlap and inconsistency between categories, along with differing time frames, and the fact that these figures are really only estimates, make them difficult to refute or to fully evaluate.

The difficulty of measuring the *extent* of services off-shoring is magnified in attempts to measure the *effect* of services off-shoring. This creates a whole debate in itself. While there is constant public outcry in developed nations about the loss of white collar jobs, there are no reliable statistics on the number of jobs lost as a *result* of off-shoring, and in fact some estimate that virtually none of the perceived job losses are due to this (Kirkegaard 2004). Rather, a general slowing of the economy, the end of the dot.com boom, and normal adjustments in employment types may account for the loss of many of the jobs believed to be lost to off-shoring (Center for American Progress 2004).

Media Responses to White Collar Off-Shoring

While researchers note the factual and statistical difficulties of linking job losses to services off-shoring, public perceptions and media reporting tend to ignore these difficulties and focus instead on the dangers of off-shoring. The concerns aroused in the community regarding these perceived dangers help to explain some union responses. These concerns have been most loudly voiced and most broadly publicised in the USA.

Political rhetoric and media reports make much of the loss of American service jobs to overseas countries. Off-shoring is perceived, rightly or wrongly, to be taking a huge toll on workers. While off-shoring has allowed many companies to become or to remain more competitive, thus strengthening the situation of the company and its shareholders, many such companies have been accused of saving themselves at the expense of American workers. For example, Lou Dobbs, a regular presenter on CNN, runs a segment tagged 'Exporting America,' in which he 'outs' companies 'betraying' the USA by supporting off-shoring. He has published 'Exporting America: Why Corporate Greed is Shipping American Jobs Overseas' (2004), and lists 'outed' companies on his web-site. The latter idea has been replicated in Australia by the Finance Sector Union, with a web site encouraging bank customers to check where their banking services are actually performed.

There is also a great deal of generalised anti off-shoring sentiment in the public domain, and accusations of dastardly behaviour by CEOs. One article by the Institute of Policy Studies and the group 'United for a Fair Economy' (2004), notes a direct relationship between the number of jobs off-shored by a company, and its CEO's salary rise, surmising that CEOs are being paid to act against Americans. The same article juxtaposes CEOs' salaries with those of the US military personnel killed in Iraq, comparing the risks and responsibilities undertaken by the two groups, and comparing the pittance paid to soldiers fighting for America as against the huge sums paid to those intent on 'selling out' Americans. While the connection of off-shoring with military deaths might appear just plain wacky, this article is not unique. The 'Gone with the World' website which reports on the 'dangers and disruptions of Globalization, Free Trade, and Off-shoring' (2007) describes the USA as increasingly vulnerable to terrorism and overseas instability as more and more of its services are performed overseas.

More mainstream groups are also playing up the dangers of reliance on overseas countries. For example, the US wing of the Institute of Electrical and Electronics Engineers (IEEE-USA) (2004) sees the off-shoring of high wage jobs to low wage countries as posing 'a very serious long term challenge to the nation's leadership in technology and innovation, its economic prosperity, and its military and homeland security.' It is a threat with 'serious implications for our national security as well as our economic competitiveness' (IEEE-USA 2006).

Public concern about jobs lost to off-shoring is heightened by concern regarding the *type* of jobs which are now being performed overseas. The McKinsey Global Institute (2005: 21) notes that '[i]t's hardly the size of the [off-shoring] phenomenon that accounts for the uproar. More important … [is] … the fact that it's affecting a segment of the workforce that hitherto was never subject to this kind of competition, namely service workers.' Cassidy (2004) comments that 'Many white collar industries that once provided safe, well-paid employment , such as telecommunications, insurance and stock broking, are no longer immune … '. 'Employment Law Alliance' (2004) sees the balance of the economy changing; while 'good jobs decline, lower-wage jobs grow.'

Manufacturing jobs lost during previous decades were seen as low on the value chain, and their losses were said to allow developed nations to compete instead for the higher end of the market. However, now that the better educated work-force appears to be under threat, there are fears that the developed countries will end up with the low value jobs once again. 'Gone with the World' (2007) writes that 'The only options for a displaced knowledge worker may be to go back into the blue collar trades. They might as well burn their college degree …'. The jobs now available 'don't really provide the kind of expertise that is going to keep the US a forward moving economic power. We are handing over our economic keys to other countries.'

Anecdotes also abound of insult added to injury when workers in developed countries are required to train their own low wage replacements, before being retrenched themselves (Badger 2004). All these factors add to increased feelings of vulnerability, the need for better worker protection, and hence union activity.

Union Responses to White Collar Off-Shoring

The globalisation of services work has placed real pressure on local and national trade unions. The increasing use of complex and transnational corporate structures, along with the increasing ease of moving work off-shore, create disincentives for local and national unions to represent their members robustly, and to bargain hard for their members' demands. In the current environment those demands may well be met by the movement of jobs off-shore, rather than by genuine negotiation and compromise with local employees (Van Wezel Stone 1995). Consequently, unions in the era of globalisation have needed to think more broadly and strategically about how best to protect their members, and are still in the process of creating new responses to the events occurring around them (Arthurs 2001; Fairbrother and Yates 2003). This section looks at some of the responses which unions have made thus far to the advent of services off-shoring.

USA

Labour unions in the USA do not have huge coverage. Some sectors are comparably well represented, with about 21 per cent of professional and related workers having union membership in 2005. Within that group, some occupations record much higher union membership rates. Overall, however, rates of unionisation are much lower. In 2005 only about 12.5 per cent of the total workforce were union members, with even lower proportions in the private sector (AFL-CIO, DPE 2006 a and b).

In addition to low overall union membership rates, there has been a problem of fragmentation of the labour movement, with numerous unions each covering very few employees. For example thirteen different unions have significant numbers of public employees, nine different unions cover manufacturing, and more than thirty unions cover the health care sector. In thirteen of the fifteen major US economic sectors, there are at least four significant unions A great deal of work has thus been put into encouraging either amalgamation of

unions, or at least linkages between unions to help to consolidate the labour voice (Stern 2005). Currently, more than 50 per cent of all union members in the USA are white collar workers, with professional and related occupations making up the largest occupational classification of union membership(AFL-CIO, DPE n.d.). Thus many of those in the USA affected by white collar off-shoring will be unionists, and likewise many unionists have been, are, or will be affected by white collar off-shoring.

One effect which off-shoring is claimed to have had in the USA is to raise the profile of unions. Dyed-in-the-wool free enterprise advocates are said to be begging for government protections, and joining unions. A 2004 survey found that 52 per cent of respondents would turn to government agencies or elected officials for help if their job was threatened by off-shoring, and 37 per cent of respondents would seek help from a labour union, although only 12 per cent of these respondents actually belonged to a labour union! (Employment Law Alliance 2004). The International Federation of Professional and Technical Engineers (IFPTE) claims to have had many more enquiries about membership since the off-shoring scare began: 'I get calls from places we never used to get calls from…. People are realizing that labour unions are the best kept secret in America' (Banks, cited in Badger 2004). According to one union, newly retrenched members, and those under threat are 'convinced that America's white-collar workers have to band together to keep their futures from being exported to places where skilled labor comes cheap' (Badger 2004). (Arthurs 2001: 271) notes that in the USA 'unions have pretty much stopped shrinking…. The American labor movement seems to have found a mobilizing issue: globalization.'

What then do labour unions in the USA see as the major concerns raised by white collar off-shoring? Naturally, the most immediate concern is the loss of individuals' jobs, where work is moved directly overseas, or is out-sourced to other companies which then off-shore the work. In addition to these immediate job losses are the longer term difficulties of finding new jobs in the same area. Unemployment and long term unemployment is rising more steeply amongst well educated workers than across the population generally (AFL-CIO, DPE 2006b), particularly worrying to workers such as software engineers 'who were told for the last 20 years that they had precisely the skills needed to thrive in the global economy' (Bivens 2006). Workers in this sector are also being moved from long term and secure employment into more contingent or precarious employment. For individuals this often leads to loss of benefits such as health insurance and employer funded pension plans, while for unions this contingent employment makes labour much more difficult to organise (AFL-CIO, DPE n.d.). Professional and related employees now make up 30 per cent of the contingent workforce.

Further, while service work is a constantly growing proportion of the economy of the USA, the work now being generated is not at the highest end of the market. The projected creation of 1.5 million new high tech jobs in the seven fastest growing occupations in the decade to 2010 has been revised downward to a projection of just 126,000 in the ten years to 2014 (AFL-CIO, DPE 2006b). Seven of the ten occupations now expected to experience the largest jobs

growth up to 2014 are low wage service occupations not requiring a college degree. Understandably, both workers and unions are concerned then about immediate job losses, but also about the prospects of workers being required to move to lower level, less professional, and less well rewarded jobs, or to face long term unemployment.

In addition to actual job losses, there are concerns that the *potential* to off-shore may itself create downward pressure on existing wages and conditions, and decrease the bargaining power of workers and unions. Even suggestions that a company *may* off-shore can make workers and unions far more circum-spect in their demands, and lead them to accept levels of wages and conditions which they would not do without such threats (Van Wezel Stone 1995; Bivens 2006). As employers now have a clear choice between producing locally and moving off-shore, workers from around the world are competing against each other for jobs. They are less able to assert their rights, for fear of being under-bid (Arthurs 2001).

Workers and unions are concerned more generally also, that in the longer term off-shoring may cost the USA its competitive edge in technology and innovation, its economic independence and superiority, and its military and security strengths (IEEE-USA 2006). They worry that the loss of the flow-on effects of having work done locally mean that the real costs of off-shoring go well beyond the individual's lost income. Tax revenues fall, dependence on pub-lic assistance increases, and incomes stagnate (AFL-CIO n.d. a and b).

Unions are dealing with their concerns in a variety of ways. Firstly, for indi-viduals losing jobs, unions are lobbying government to offer more assistance in specific terms such as re-training, income support and health care coverage (IEEE 2006; AFL-CIO n.d. c). Special assistance schemes have been introduced to assist workers whose jobs in the manufacturing sector have been lost as a result of trade agreements, and unions are now asking government to provide similar support to white collar workers losing their jobs to off-shoring. It is argued that:

> public policy needs to insure that US workers are compensated for the extra risk they are now bearing due to competition with workers all over the globe. This compensation should take the form of large social insurance programs, (publicly guaranteed health and pension benefits) as well as more directed programs like making sure that service-sector workers displaced by trade are eligible for trade-adjustment assistance (Bivens 2006).

While government talks of the re-adjustments inevitably required as a result of globalisation, unions do not see the required re-adjustments as natural or inevitable:

> The destruction of US jobs is not occurring on a level playing field resulting from neutral policies. Rather, a broad range of state and fed-eral policies allow, facilitate and even reward the destruction of US jobs. Government policies lavish tax breaks, government contracts, and easy access to the US market on companies that destroy good jobs and exploit lax workers' rights to produce overseas (AFL-CIO n.d. c).

Tax programs are seen to encourage and reward off-shoring, thus offering incentives to companies to move jobs overseas, and conversely penalising companies that keep jobs in the USA. Trade rules and agreements are also seen as needing review, to ensure that companies do not escape domestic or international obligations by sending jobs off-shore, and to ensure that trade is not made disadvantageous by other countries artificially manipulating their currencies. Unions are also asking government to plan carefully, to use public policies to stimulate innovation, and to invest in appropriate infrastructure to ensure that American workers are available, well trained and competitive, and that US industries are able in the future to offer top-quality jobs to these workers.

While these strategies require long term planning and cannot occur overnight, unions are simultaneously pushing for shorter term changes. For example, state legislatures, influenced mainly by the Communication Workers of America and AFL-CIO, have been awash with activity aimed at decreasing the extent of off-shoring (AeA 2004). In the first quarter of 2005 more than 112 bills attempting to curb the use of off-shore service providers had been introduced in forty states of the USA. At a federal level also seventeen relevant congressional bills and resolutions had been introduced between January and May 2005 (National Association of State Procurement Officials 2005). The proposed legislation varies considerably, but certain themes are common. Firstly, no government work should be off-shored, and companies which off-shore should be ineligible for government contracts. Secondly, government grants and assistance should not be available to companies which off-shore service work. Thirdly, legislation should prohibit companies moving financial or personal data off-shore. Fourthly, there should be mandatory disclosures by companies of their off-shoring activities. Finally, there should be mandatory identification by call centre operators of their geographical locations (known as 'The Right to Know' requirements). Few of the proposed bills have been actually passed; some were passed but weakened by amendment, and others have been vetoed. The difficulty of getting such legislation passed, along with questions regarding the potential effectiveness of this type of laws, have recently slowed down the push for the enactment of such legislation. Further, there is the paradox that 'the more successful unions are at obtaining local legislative protection, the more likely businesses are to relocate to other areas' (Van Wezel Stone 1995).

Unions continue to push for the collection of better data. As discussed above the real effect of off-shoring upon the job market in the USA is unknown, and thus subject to constant claim and counter-claim. Bivens (2006) of the Economic Policy Institute suggests that figures released by the US Department of Commerce (DOC) cannot be relied upon. They note that the DOC's Bureau of Economic Analysis (BEA) reports service imports to the US from India as $159 million in 2002, while India's National Association of Software and Service Companies (NASSCOM) reported service exports from India to the US of $4.7 billion in the same period! Likewise, NASSCOM reports service exports as growing 400 per cent between 2000 and 2002, while the BEA's corresponding figure is below 20 per cent. Better data collection on the true state of off-shoring activity is clearly necessary.

Unions in the USA are also thinking more globally. While some unions were previously focused only on local concerns, and heading down the protectionist path, there is now a recognition that off-shoring issues need resolution in a global context. For example, IEEE-USA policy on off-shoring was reviewed and updated in 2006 due to concerns that its 2004 policy 'has an anti-outsourcing tone that is inconsistent with our current emphasis on asking IEEE members to cope and survive in a "flat world"' (O'Neill 2006).

There is little hope in the union movement in the USA that the goodwill of corporations, or their desire to retain a strong America, will save American workers from the perils of off-shoring:

> The reason why American businesses are not demanding the policies that would make America more competitive is because … they have disconnected themselves from the country's future. America's competitiveness is no longer their problem. What's good for General Motors — or GE or IBM or Microsoft — is no longer necessarily good for America, and vice versa (Faux 2005).

Unions see that as a result of globalisation, 'corporations have no national loyalties and no concern about national boundaries. They move around the world looking for opportunities to maximise their profits by pushing down standards. They drive down pay and benefits standards for workers everywhere in a race to the bottom' (SEIU n.d. a). 'Global corporations threaten American jobs, families, and the hopes of future generations' (SEIU n.d. b). AFL-CIO is cynical about corporations, which often claim a *need* to go off-shore to find appropriately skilled workers. The union believes these businesses in fact go off-shore simply because 'they can find skilled workers in other countries who will do the work for pennies on the dollar' (AFL-CIO n.d. a).

The unions are recognising then that fighting campaigns to keep jobs and improve workers' wages and conditions need to be backed up by global labour solidarity. 'Campaigns for social justice have almost invariably tended to pursue justice one country at a time. Now with the advent of globalization, it's no longer that simple. We have to achieve justice everywhere at once in order to achieve it anywhere at all' (Stern 2005). ' … [W]orkers in any one country cannot set and maintain high labor standards without uniting to raise standards everywhere' (SEIU n.d. b).

Thus AFL-CIO (n.d. c) includes in its policies support for equitable and sustainable development abroad, stating that 'the international community must recognize strong workers' rights as a key foundation for vigorous democracy and equitable economic development.' It states also that:

> stimulating stable and robust development around the world not only benefits workers in other countries [but] is essential to building a balanced economy where workers and countries can engage in high-road competition based on skills and productivity rather than a race to the bottom in wages and working conditions. Until workers in other countries are able to earn a decent wage and build a middle class, they will

never be able to purchase the goods and services they produce, much less consume those produced in the US. (AFL-CIO n.d. c).

Such world-wide development is of course far more difficult to achieve than changes to domestic policies and practices. But even this new rhetoric may be a step toward internationalising the union movement. By contrast with transnational corporations, unions have been slow to develop workable international structures. As a result, workers in different countries experience themselves as being in competition with each other (Arthurs 2001). Whilst unions are now appearing to take a more global outlook, it is unlikely that they will ever develop structures comparable to transnational corporations, given their reliance on localised member subscriptions simply for their existence, but they nonetheless are promoting activities which may give them greater power *vis a vis* such transnational corporations, and which are aimed at promoting the cause of workers globally, as workers, rather than as competitors. It is clear that unions in the USA are now looking to engage with the broader labour movement, and this engagement will be examined in more detail later in this paper.

Australia

In Australia, the growth of services off-shoring has been far slower than in the USA, and there has been much less media coverage of this phenomenon. In addition, Australia has itself been identified as a country which could be a recipient of off-shoring as well as an off-shorer, and thus a beneficiary, rather than loser of jobs (Australian Computer Society 2004). It has been suggested that Australia, with reliable and well developed infrastructure, political stability, a well educated English speaking workforce, and with labour costs still comparatively low, should really be doing its best to exploit its suitability as a country to which others could off-shore (Deare 2006). However, both industry and government in Australia have been slow to exploit this opportunity (Braue 2006; Jenkins 2006). On the other hand, Australia has also been slow to join the off-shoring band wagon, and thus we have seen fewer employment and industrial concerns arising.

In addition, unions in Australia (like those in the USA) are not really sure of the extent or effect of off-shoring yet, owing to a lack of reliable statistics. As a result, the National Institute for Economic and Industrial Research has been commissioned by the Finance Sector Union to try to compile better statistics, but also to identify where there are gaps in the data and how improved data could best be collected. Regardless of lack of data, however, the Australian media have recently been reporting many proposals to off-shore, and consequently Australian unions are now becoming more active in this area. Their activity is largely following the pattern of action of unions in the USA.

To put Australian union membership into context, in August 2005 only 22.4 per cent of Australian workers were union members, a drop of 33 per cent over a decade (ABS 2005). Unionisation of 47 per cent in the public sector was much higher than in the private sector, where membership measured just 17 per cent. Like the USA, Australia has had many unions vying for coverage of the same members, or at least competing within the same sector. Also like

the USA, declining membership rates and criticism of trade union inefficiency has led to the amalgamation of many Australian unions over the past couple of decades (Owens and Riley 2007: 95). Additionally, many of these unions are connected to both national umbrella organisations, such as the Australian Council of Trade Unions (ACTU), and to global organisations such as Union Network International (UNI).

More recently, the threat of services off-shoring has also caused a number of Australian unions to unite to deal with this particular problem. For example, an 'alliance' of service sector unions in Australia, including the Finance Sector Union (FSU), the Australian Services Union (ASU), the Communications, Electrical and Plumbing Union (CEPU), and the Community and Public Sector Union (CPSU), has been working together to research public perceptions in Australia of off-shoring. This group of unions recently commissioned a survey on attitudes to off-shore labour, the results of which will be used to develop union strategies in this sphere. The survey found that most respondents wanted government intervention to keep jobs in Australia, believed that financial institutions should disclose overseas storage of customer information and should seek customers' written permission to do so. They also believed that Australian companies should be compelled to provide decent working conditions in every country in which they operate (McNair Ingenuity Research 2006).

The findings of this research are now being used by unions to demonstrate concerns about off-shoring, and to lobby government to act against it. Anti-off-shoring action is being stepped up, seemingly heavily influenced by the activities of American unions. Australian unions are proposing legislation very similar to legislation proposed in the USA, which would make disclosure of off-shoring, and of the location of off-shored workers mandatory, stop government work being off-shored, and prohibit the movement off-shore of financial and personal data without the written permission of clients (FSU 2004). No such legislation has yet been passed, and governments seem unlikely to move in this direction. The federal Liberal Government has clearly stated that decisions to off-shore are a matter for a company's board or a government department, and not matters on which governments should legislate (Parliament of Australia 2005). In the lead-up to the 2004 federal election the Labour Opposition showed some inclination to act against off-shoring to protect Australian jobs, but that policy has now been abandoned.

Australian state governments also show no sign of moving against off-shoring through legislation, although they have on occasions taken up a more protectionist stance. For example, Westpac backed down from plans to send a Sydney loans processing department to India, after the NSW Premier threatened that the bank's government contracts may be reviewed if the plan to off-shore went ahead. The Premier's statement followed lobbying from unions, and considerable media coverage of the issue. The Local Government Association (LGA) also raised concerns about the proposed off-shoring, and the possibility that the LGA also would need to review its banking arrangements (Masson 2007).

Unions have tried to keep the media focussed on the off-shoring issue where possible, and even plans to 'trial' off-shoring in small and discrete operations have been quickly reported to and by the media. Unions have also set up websites for more direct communications with the public. For example, 'Bank Check,' a site set up by the FSU, 'gives you the inside track on how your bank treats their workers and your sensitive personal information … [Bank check creates] an independent reference point with information on off-shoring of jobs and data; employment practices and consumer rights' (FSU n.d.).

Australian trade unions have also been working directly with (and against) individual companies and whole sectors to develop strategies to protect Australian workers and Australian jobs. A recent strategy involved having a statement outlining union and worker concerns tabled at the AGMs of Australia's major banks, seeking from the meetings undertakings regarding steps which those banks would follow before deciding upon off-shoring activities (Masson 2007).

In relation to off-shoring generally, the St George bank has promised that every permanent employee impacted upon by off-shoring will be offered another position within the bank (Australian IT 2006). The ANZ bank has introduced its People Charter, which promises that all customer service jobs will remain in Australia, commits to early, broad and frequent consultation regarding off-shoring, assures affected staff of opportunities — including where necessary re-training — to allow their re-deployment to other areas of the bank, and claims that its employment practices in India will meet best practice standards, will pay competitively, and will exceed minimum local employment conditions (ANZ 2006). The NAB has signed a commitment to Fair International Workforce Standards, by which it agrees to ensure that it, and its suppliers, comply with the OECD Guidelines for Multi National Enterprises and the UN Declaration of Human Rights. It states that the bank's suppliers are required to demonstrate operating policies and procedures supporting these standards (NAB 2005). The NAB and various unions have also negotiated a Global Unions Engagement Strategy, under which the NAB acknowledges its corporate social responsibilities, including support of freedom of association and collective bargaining, and commits to provide high employment standards for all employees. The unions and the NAB also agree to consult from time to time on these topics (NAB Global Agreement n.d.).

While these commitments are laudable, and seem to strike a balance between the need to remain competitive, through off-shoring if necessary, and the need to protect the rights of workers both here and abroad, lack of enforceability remains a problem. The commitments can be seen as excellent public relations exercises, which the banks can chose to uphold or not as they wish. As a result, unions prefer to have such promises included where possible in enterprise or other enforceable agreements.

Some enterprise agreements have been negotiated to include commitments that retrenchment of staff would be a last resort only, and that 'every effort would be made to avoid retrenchment through re-deployment, re-training, normal staff wastage and curtailing recruitment' (ANZ-FSU 1998). Australian unions have also made some headway in including consultation provisions in

termination, change and redundancy clauses of enterprise agreements (NAB-FSU 2006), but the list of matters allowed in such agreements is becoming narrower and narrower, and it is likely to be increasingly difficult to include such clauses in future agreements. Common law agreements may be an alternative way to garner assurances from employers regarding off-shoring, but few companies would be willing to give such undertakings.

Many firms are unwilling to make enforceable commitments regarding off-shoring in either enterprise or common law agreements, making the point that off-shoring is a way to remain competitive, and that committing not to use off-shoring would be poor business. Thus, companies remain willing to commit to *consult* over off-shoring, and to take into account the *views* of unions and employees, but not to be bound by them.

Services unions are also hoping to move industry toward longer term planning and strategy. The unions recognise that a huge amount of work could go overseas, placing all employment in the Australian services industry under threat, and they are thus trying to convince the whole service sector, along with government, to identify longer term solutions which may keep the finance sector buoyant and competitive, and keep Australian jobs as well. The FSU for example wants the finance sector to try to identify its future needs; what kind of staff it will need, what kind of education and training those staff will need, and what numbers of staff will be needed, so that Australians can be prepared and ready to fill those jobs. While some banks currently claim that they must go off-shore to find workers, the FSU is sceptical about this. But even if the claim is correct, Australian unions would like that situation to be an aberration, resolved by longer term, sector wide planning.

While Australian unions do not want to create 'fortress Australia' (Masson 2007) they do believe that the rate of off-shoring can be slowed, and that it is possible to change the way that off-shoring is introduced. Firstly, they would like to see appropriate training and education ensuring that workers in Australia are equipped and available for work in the services sector. Beyond that, unions would like assurances of no forced redundancies, increased lead-in time and genuine consultation prior to off-shoring decisions, more funding for training and re-training of staff to ensure employment, and commitments to human resources best practices, compliance with local law and ILO provisions, wherever work is performed.

The approach of unions in the USA and Australia are similar, but neither has been successful in stopping the movement off-shore of services work. However, both have been successful in raising the profile of the off-shoring phenomenon, and publicising the problems which arise locally as a result of off-shoring. Consequently, union activity in the USA and Australia may have influenced both the speed and the extent of off-shoring, influenced the way that off-shoring decisions are made, and possibly also influenced the conditions under which off-shored workers are employed. Particularly in Australia, unions have also made some headway in reducing the likelihood of forced local redundancies through clauses in enterprise agreements, or voluntary corporate undertakings.

Europe

In Europe, unions have similarly been very active in the off-shoring debate, running anti-off-shoring campaigns and taking industrial action to protest threatened job losses. While union action may have slowed or reduced the extent of off-shoring, there, as in Australia and the USA, white collar off-shoring continues.

The Trade Union Congress (TUC) in the UK does not accept that large-scale off-shoring is an inevitable part of globalisation, and believes that unions have an opportunity to influence what happens in relation to where jobs are done (2004: 6). The TUC's submission on global off-shoring states that:

> UK unions want to ensure that worker representation and good employment conditions operate throughout the global operations of the employer company, regardless of country. This has a double advantage: it helps combat casual, opportunistic relocation of jobs abroad, and builds a stronger international framework for industrial relations in the longer term (2004: 10–11).

This outlook was apparent in the negotiation of a global agreement between Amicus and Prudential, following industrial action against off-shoring organised by the union Amicus. In taking the action, Amicus made the decision to encourage rather than detract from union solidarity, through an internationalist approach that avoided xenophobia and affirmed Indian workers' rights to good employment conditions (Bain and Taylor 2004). While the action did not stop Prudential going ahead with off-shoring, it led to some important concessions for its UK workers, as well as undertakings relating to off-shore staff. Prudential agreed not to use compulsory redundancies in its UK operation, to give notice of proposals to off-shore work, and to consult over whether, and how, those proposals would be acted upon. For example, Prudential promised to look at whether there were viable alternative restructuring initiatives which may make off-shoring unnecessary. In addition, Prudential agreed to enter a global agreement which ensured that those performing work for the company off-shore would not do so under conditions less favourable that those required by the local laws and the ILO's minimum labour standards.

A number of other UK and European companies have entered into global agreements with workers' groups which ensure firstly that as little damage as possible is created for local workers, and secondly that off-shoring does not lead to the exploitation of overseas workers. In the UK for example, the Union for the Finance Industry (UNIFI) has entered an agreement with Lloyds TSB, the union Amicus has agreed with CSC, and the union Connect has agreed with the BT Group. Each of these agreements includes provisions for meaningful and timely consultation regarding off-shoring, job security, re-deployment or re-training, and a commitment to ethical and principled dealings with any overseas companies and workers. Each of these agreements also requires adherence to ILO principles relating to rights at work.

India

In India, unions are often seen more as a way of mobilising electoral backing for a political party, than as protecting their members in their working lives. Unlike Australia, where unions are seen to be closely aligned to the 'left' parties, in India all political parties are likely to have a union base.

Legislation in India assures workers the right to join collectives and trade unions, although this has recently been a matter of contention in relation to IT and ITES workers (The Hindu 2005). Union membership generally is high in organisations which are currently, or were historically state owned or controlled, but union membership is tiny as a proportion of the working population. In private enterprise, and especially amongst those who are highly skilled, trade unions are commonly poorly regarded, and either non-existent or with very low membership levels. Even those workers performing at the lower end of off-shored services in India often have good wages and conditions by local standards, often with attractive work spaces, subsidised transport, health insurance, and many other benefits. However, there are health and safety concerns particularly in the call centre industry, including the effects on workers of constant night shifts, overly tough targets, rigorous performance review systems, and abuse and hostility expressed by people in the off-shoring nations. These difficulties experienced by some in off-shored work provide a good opportunity for encouraging new union membership.

Because off-shored service work is a recent development in India, and is done exclusively by private companies, there are few unions covering such workers. Two have however been established recently. Firstly, for IT professionals, there is the IT Professional Forum (ITPF), founded in 2003, with sponsorship from Union Network International (UNI). This union, with 3800 members across India (UNI 2006), tends to concern itself less with workers' wages and conditions, and focus more on providing a social and professional forum for IT workers to meet one another, and to discuss IT innovations and developments. Although these workers may have very favourable working conditions, they may also be quite isolated, given that many move residence to work in IT hubs, and will often not know others in the cities to which they have relocated.

The establishment of UNITES in 2004 was also sponsored by UNI. UNITES draws its membership from those working in IT enabled services, such as BPO and Call Centre staff. Unlike the ITPF mentioned above, UNITES makes clear that 'we don't shy away as a forum, this is a union' (Navin 2006). Like the ITPF however, this union also reports less concern with workers' wages and conditions, and more concern with the isolation of these workers. It therefore runs social and sporting events, competitions and meetings, again to provide a supportive forum for ITES workers. UNITES also provides training in businesses processes, to assist those from disadvantaged groups to take advantage of the growing job market for BPO workers. UNITES presents government approved courses using hardware and software donated by IT companies for the purpose. UNITES is preparing hundreds of workers each year for employment in the BPO industry (Shekhar 2005).

Membership of both ITPF and UNITES remains small. It is envisaged that the unions may attract higher memberships and become more industrially active in the case of a market downturn, or if jobs begin to move off-shore from India, and demand for workers decreases. Ironically, the jobs off-shored to India remain vulnerable to further movement as globalisation marches on. Indian workers are as vulnerable to eventual off-shoring as are those in the most developed countries.

International Unions

Operating within an ILO labour rights framework, global unions have been entering into agreements with global companies. The global agreements often focus more on general labour rights, and less on the processes which specific companies would need to undertake in deciding to off-shore. Union Network International (UNI) for example recognises that the most important international labour issues have been dealt with by the ILO, and thus '[a]ll the employers and unions have to do in the global agreement is commit to respecting these standards' (UNI n.d). UNI states that:

> [w]e cannot substitute for direct negotiations between companies and workers at the national level. However, in the era of globalisation, companies shift production and services to almost any part of the globe. The global agreement is a way for the company to say: wherever we go in the world, we will observe civilised internationally recognised standards; we will offer decent work and jobs. In short, 'we will be decent global corporate citizens'. (UNI n.d.).

By the end of 2006, forty seven global agreements were in place. Thirty nine had been negotiated between global unions and European based companies, seven between global unions and global companies, and only three with companies based elsewhere, *to wit* NZ, the USA, and South Africa (Hazard n.d.). It has been suggested that the proliferation of such agreements in Europe may be due at least in part to the mandated establishment of Works Councils within European based firms, allowing for more structured and reciprocal consultation and negotiation between these companies and their workers (Hepple 2005: 76).

While global agreements are becoming more prevalent, commentators note the advantages of corporations promising to take on board corporate social responsibilities, but also express concern at the move toward private, voluntary and largely unenforceable promises, without strengthening enforceable, and enforced, international and national legal protections (Arthurs 2001: 271; Hepple 2005). Any attempt at transnational regulation of labour conditions and practices may be seen, however, as problematic. They could 'obviously be attacked as intruding upon national sovereignty, as a form of disguised protectionism designed to preserve jobs in the advanced countries, as a device to prevent developing countries from industrialising, even as an attempt to force labour standards down to a lower transnational norm in those countries which exceed it' (Arthurs 1996: 44).

Global unions are also trying to influence the way in which off-shoring proceeds, by taking an active policy role in the area, rather than simply reacting to the 'inevitable' globalisation of services jobs. UNI for example has set up the 'Making Offshore Outsourcing Sustainable' (MOOS) project with the following objectives:

- increasing understanding of off-shoring and the mechanisms of off-shoring processes,
- providing an information hub on off-shoring,
- developing a trade union strategy for making off-shoring processes economically and socially sustainable,
- providing support for employee representatives dealing with off-shoring, and
- developing mechanisms for anticipating change and outlining the future of high skilled work.

The MOOS project tracks and reports on off-shoring movement throughout Europe, hosts conferences which provide a forum for union organisation around off-shoring, and collates and disseminates its own and others' research on the topic. Sabrina De Marchi (n.d.), project manager for the MOOS project, sees the trade union role as ensuring 'that new jobs are created when old jobs move, that people are trained for new tasks when their old tasks disappear — and that working conditions are evolving, no matter where on the globe work is carried out'. International unions are also sponsoring the establishment of new unions in countries such as India for the recipients of off-shored work.

Strategies for Protecting White Collar Workers

Globalisation, including the embrace of neo-liberal philosophies, the interaction of national economies, and the development and spread of information and communications technology, has created an environment which allows and indeed encourages the off-shore movement of a great deal of white collar work in the service sector. Regardless of union activity, it does not appear that globalisation can or will be stopped, but this does not mean that nothing can be done by unions to alleviate the potential problems it causes for workers, and for unions themselves.

It can be seen that trade unions are employing multiple strategies in response to the challenges posed by white collar off-shoring; with responses ranging from the most local to the most global. At the former end of the spectrum we see trade unions trying their best to increase local membership, to campaign on local issues, and to garner local community support for workers displaced or threatened by off-shoring. Unions are also trying to engage local and national governments to fight off-shoring, or to assist in slowing it down, and to compensate those affected by it through re-training, social security and the like.

Beyond this, unions themselves are trying to engage with one another at the international level, working to determine and articulate appropriate responses to globalisation. Unions are also increasingly engaging with multinational cor-

porations in attempts to create global, rather than merely local, worker protections. Even national unions have managed to extract promises from multinationals regarding their treatment of labour wherever in the world that labour happens to be.

At the broader level, unions are attempting to engage workers in countries to which work is off-shored, and to encourage them to see themselves as part of the world-wide labour movement. It is hoped that assisting these workers to organise, and to demand decent working conditions, will avoid a 'race to the bottom' whereby developed countries need to forego their labour standards to compete.

The breadth of responses to white collar off-shoring can appear contradictory, with unions for example fighting to stop work being off-shored while at the same time fighting for the conditions of off-shore workers. However, such responses are not really surprising. Individual unions fight to protect their members, and union movements as a whole fight to protect labour. Further, in some ways the two are complementary. The better the protection offered to off-shore workers, the less the incentive for corporations to move work off-shore, and thus the better the protection for workers in off-shoring nations. It is also thought that while off-shoring will not be stopped by trade unions, their responses may help to determine its results. Thus the numerous and varied responses made by unions may help to influence the shape of off-shoring and globalisation, to the benefit of all workers.

Given the extent to which white collar work has been off-shored, are there particular strategies that unions in this sector *should* be using? Firstly, unions need to be actively involved in the development of policy, at local, national and international levels, and active in raising community awareness of the issues involved. Arthurs (1996) has noted the broader movements which may influence the manner in which globalisation occurs:

> … juridical spaces … include trade unions, social and environmental movements, cultural institutions, media, academic critics, ambitious politicians, technocratic civil servants, and competing economic interests of every provenance (Arthurs 1996: 19).

Unions do have an opportunity to influence the shape of globalisation, not just to deal with its problems, and to some extent this is already occurring. However, policy which involves trying simply to stop globalisation or off-shoring, or which involves hostility toward off-shore workers, is unlikely to save jobs and could do a great deal of damage to union solidarity. More helpful would be policy input which looks at both the benefits and disadvantages of actual or potential off-shoring, anticipates likely changes and needs, and encourages both industry and government to plan and prepare for them.

While unions should be working at the broader policy level, they must also take practical action. Unions should be trying to work with both industry and government to ensure that the potential problems of off-shoring are minimised before they occur. For example, the FSU in Australia is trying to establish a process by which unions, government and the finance sector work together to

identify for the future the kind of workers likely to be needed in the Australian services sector, to ensure that before they are needed there are personnel appropriately trained and in sufficient numbers to allow the service sector to use local staff when possible.

Further, it is imperative that unions protect their own member's jobs, wages, and conditions as far as possible, not least because these members are the unions' financial base, and without them, and their membership fees, many unions will cease to exist. At the minimum, unions should try to retain work for current employees, to negotiate where necessary re-structuring which doesn't involve compulsory retrenchments, and to negotiate re-training and/or movement of workers within the company, or to subsidiaries, related companies etc. To this end, it is appropriate for unions to campaign for specific workers in specific jobs with specific employers, to try to retain for those members the best possible working environment. This alone however is unlikely to be sufficient.

Where jobs *are* lost, unions should be working with both industry and government to ensure that appropriate and sufficient resources are available for supporting and re-training workers displaced by the movement of jobs off-shore. The scheme introduced in the USA to support manufacturing workers retrenched through 'industry readjustment' may also be an appropriate model to adopt in relation to services workers.

Unions should also be pursuing global agreements, to ensure that if or when work is off-shored, it is not carried out under exploitative conditions, and that as a minimum it meets the conditions laid down by local law, and by ILO standards. Global agreements should be publicised and closely monitored, to ensure they are not used by companies simply as a public relations exercise but ignored in practice. Such agreements, especially if well implemented and enforced, should give pause to companies off-shoring, or threatening to off-shore, for fallacious or exploitative reasons. Thus such agreements can serve both to slow down off-shoring and to ensure that when off-shoring does occur it is done ethically.

Finally, it is important that unions guard against the use of racism and xenophobia to create anti-off-shoring sentiment. Hostility toward off-shore workers is ineffective to protect jobs, and in the long run cannot be beneficial to the union movement as a whole.

Notes

1. Thanks to Joellen Riley and Brendan Edgeworth for their encouragement and helpful comments.
2. Note OECD Guidelines for Multinational Enterprises, revised 2000. IV Employment and Industrial Relations, cl 7 Enterprises should not threaten to transfer an operating unit or transfer employees 'in order to influence unfairly those negotiations or to hinder the exercise of a right to organise.'
3. While there is a great deal of talk of how many Australian jobs will go overseas, in May 2004 only 12 per cent of 420 IT firms surveyed had actually completed an off-shore project. Parliament of Australia, Department of parliamentary Services (2005: 3).

4. Workplace Relations Act 1996 (Cth.) s356, Workplace Relations Regula-
   tions 2006 (Cth.) Reg 2.8.5. It is clear from the description of 'prohibited
   content,' especially reg 2.8.5(h) and (i) that the regulations seek to exclude
   from agreements any restriction on the manner in which an employer can
   engage the services of workers. Thus it is likely that any clause seeking to
   curtail or even restrict the ability of an employer to off-shore work would
   be prohibited content. See also Riley and Peterson (2006).

5. But note the violations of trade union rights in India documented in ICTFU
   2006.

6. While an average Indian makes $600 per year, a BPO worker with only high
   school education may begin work on over $2500 a year. This is about double
   the entry level earnings of a high school teacher. See Physorg.com 2005.

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